

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MAY 3, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 24

### HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

**THE SPEAKER (KEITH R. McCALL)**  
**PRESIDING**

#### PRAYER

The SPEAKER. The prayer will be offered today by Pastor Bob Lewis, who is the guest of Representative Matt Baker.

PASTOR BOB LEWIS, Guest Chaplain of the House of Representatives, offered the following prayer:

Would you bow with me in prayer, please:

We come unto You, our God and Father, in the name of the Lord, Jesus Christ, and in the power of the Holy Spirit. We acknowledge You as the God of nations, the one who is sovereignly involved in the affairs of men.

The men and women in this chamber today are concerned for the affairs of our Commonwealth. We petition You for guidance in their deliberations. Grant that they might think clearly, without confusion, and act purely from honorable motives. As the hairs of our head are numbered and a sparrow cannot fall outside Your will, it is unlikely we can expect much success without Your participation within the shadow.

Grant wisdom for our national leaders in these times of domestic and international strife. And we beseech You on behalf of the men and women of our Armed Forces, most especially those in harm's way, protect them, Lord, and return them safely to their loved ones.

We also pray as we recently find ourselves subject to the seeming capricious acts of nature and men, reminding us that ultimately, we are creatures under Your hand. Be merciful, dear God, granting grace to all experiencing those trials.

And finally, we thank You for the expression of Your mercy toward humanity in the work of Your dear son, Jesus, who washed us from our sins in his own blood and in whose name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

The SPEAKER. Members, please report to the floor.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2450** By Representatives BRENNAN, GERGELY, MIRABITO, BELFANTI, CALTAGIRONE, CARROLL, D. COSTA, FARRY, GIBBONS, GRUCELA, HANNA, HARKINS, KOTIK, MANN, MUNDY, MUSTIO, D. O'BRIEN, PASHINSKI, PETRI, SAINATO, SIPTROTH, J. TAYLOR, R. TAYLOR, WHITE and YOUNGBLOOD

An Act providing for the registration and regulation of professional employer organizations and for powers and duties of the Department of Labor and Industry; and imposing penalties.

Referred to Committee on LABOR RELATIONS, April 29, 2010.

**No. 2463** By Representatives KOTIK, PASHINSKI, READSHAW, MATZIE, GINGRICH, HARKINS, KORTZ, MURT, QUINN, REICHLEY, SEIP and VULAKOVICH

An Act amending the act of April 28, 1999 (P.L.24, No.3), known as the Mental Health or Mental Retardation Facility Closure Act, providing for disposition of proceeds from facility closure.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 2010.

**No. 2464** By Representatives MICCARELLI, MARSICO, SOLOBAY, BAKER, BELFANTI, BEYER, BOYD, CIVERA, CLYMER, CONKLIN, DALEY, DENLINGER, DiGIROLAMO, EVERETT, FARRY, GEIST, GOODMAN, GROVE, GRUCELA, HARHAI, HARRIS, HESS, HORNAMAN, MANN, MICOZZIE, MILNE, O'NEILL, PALLONE, PHILLIPS, PYLE, QUINN, RAPP, READSHAW, ROAE, ROCK, SCAVELLO, SIPTROTH, SONNEY, TRUE, VULAKOVICH, WATSON and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sexual abuse of children.

Referred to Committee on JUDICIARY, April 29, 2010.

**No. 2465** By Representative PETRI

An Act providing for ex-employee e-mail address protection.

Referred to Committee on LABOR RELATIONS, April 29, 2010.

**No. 2466** By Representatives DePASQUALE, BRIGGS, CALTAGIRONE, FRANKEL, MANDERINO, MICOZZIE, MUNDY, M. O'BRIEN, ROEBUCK, WAGNER, SIPTROTH, JOSEPHS and HORNAMAN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, adding provisions relating to the taxation of tobacco products; and imposing penalties.

Referred to Committee on FINANCE, April 29, 2010.

**No. 2467** By Representatives HARRIS, BARRAR, BENNINGHOFF, BEYER, CLYMER, D. COSTA, CUTLER, DALEY, DENLINGER, EVERETT, FAIRCHILD, FARRY, FLECK, FREEMAN, GEIST, GEORGE, GINGRICH, GODSHALL, GOODMAN, GROVE, HESS, HICKERNELL, LONGIETTI, MARSHALL, MATZIE, MILLER, MOUL, MUNDY, OBERLANDER, O'NEILL, PALLONE, PASHINSKI, PHILLIPS, PICKETT, QUIGLEY, QUINN, READSHAW, ROCK, SCAVELLO, SIPTROTH, SONNEY, STERN, SWANGER and VULAKOVICH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for an exception to the marriage license period for members of the active military, reserves or Pennsylvania National Guard who are currently deployed in an active military operation or emergency.

Referred to Committee on JUDICIARY, April 29, 2010.

**No. 2468** By Representative CURRY

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, providing for toxin-free toddler and baby products.

Referred to Committee on CONSUMER AFFAIRS, April 29, 2010.

**No. 2469** By Representatives O'NEILL, MARSICO, BELFANTI, BEYER, BRENNAN, CLYMER, D. COSTA, DeLUCA, EVERETT, FABRIZIO, FARRY, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HESS, HUTCHINSON, KILLION, KOTIK, MILLER, MOUL, PYLE, READSHAW, REICHLEY, SCAVELLO, SIPTROTH and TALLMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death.

Referred to Committee on JUDICIARY, April 29, 2010.

**No. 2470** By Representatives SAYLOR, SONNEY, DENLINGER, FARRY, PEIFER, S. H. SMITH, TURZAI, BAKER, BARRAR, BEAR, BOYD, BRADFORD, CALTAGIRONE, CLYMER, CREIGHTON, CUTLER, ELLIS, GABLER, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, KNOWLES, KRIEGER, MAJOR, MARSHALL, MARSICO, METZGAR, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURT, OBERLANDER, O'NEILL,

PALLONE, PAYTON, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY, SCAVELLO, SIPTROTH, SWANGER, TALLMAN, THOMAS and VULAKOVICH

An Act establishing the Keystone Works I Program.

Referred to Committee on LABOR RELATIONS, April 29, 2010.

**No. 2471** By Representatives SONNEY, SAYLOR, DENLINGER, FARRY, PEIFER, S. H. SMITH, TURZAI, BAKER, BARRAR, BEAR, BOYD, BRADFORD, CALTAGIRONE, CLYMER, CREIGHTON, CUTLER, ELLIS, GABLER, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, KNOWLES, KRIEGER, MAJOR, MARSHALL, MARSICO, METZGAR, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, MURT, OBERLANDER, O'NEILL, PALLONE, PAYTON, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY, SCAVELLO, SIPTROTH, SWANGER, TALLMAN, THOMAS and VULAKOVICH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for workfare program.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 2010.

**No. 2474** By Representatives DENLINGER, BEAR, BISHOP, BOYD, CALTAGIRONE, CAUSER, CREIGHTON, CUTLER, EVERETT, FARRY, FLECK, GEIST, GINGRICH, GODSHALL, GROVE, HARHART, HARRIS, HESS, HORNAMAN, JOHNSON, KAUFFMAN, LONGIETTI, METZGAR, MIRABITO, MURT, MUSTIO, PEIFER, RAPP, ROHRER, SAYLOR, SIPTROTH, SONNEY, STEVENSON, TRUE and VULAKOVICH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the Youth Employment Incentive Tax Credit.

Referred to Committee on FINANCE, April 29, 2010.

**No. 2475** By Representatives READSHAW, SOLOBAY, MOUL, ROSS, BROOKS, CALTAGIRONE, CLYMER, D. COSTA, CUTLER, FABRIZIO, FLECK, FREEMAN, GEORGE, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARKINS, HARPER, HOUGHTON, KORTZ, KOTIK, KULA, McILVAINE SMITH, MIRABITO, MUNDY, PALLONE, PHILLIPS, SANTONI, SIPTROTH, STABACK, VULAKOVICH, SWANGER, WHITE, JOSEPHS, FARRY, MANDERINO, DEASY, PAYNE, THOMAS, YOUNGBLOOD, GEIST and HESS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, prohibiting discrimination against volunteer ambulance services.

Referred to Committee on INSURANCE, April 29, 2010.

**No. 2476** By Representatives HARKINS, HORNAMAN, FABRIZIO, McGEEHAN, BRADFORD, BRENNAN, CALTAGIRONE, CARROLL, CAUSER, CONKLIN, D. COSTA, DALEY, DePASQUALE, HUTCHINSON, KORTZ, HARHAI, HALUSKA, GRUCELA, GOODMAN, GIBBONS, FREEMAN, LONGIETTI, MAHONEY, MANN, McILVAINE SMITH, MILLER, MURT, PARKER, PAYTON, YUDICHAK, SIPTROTH, SANTONI, SAINATO and READSHAW

An Act providing for Low-Income Home Energy Assistance Program eligibility, allocation of funds and resources; imposing duties on the Department of Public Welfare; and providing for compliance and fraud prevention procedures and for performance audit and allocation of appropriations.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 2010.

**No. 2477** By Representatives FABRIZIO, J. EVANS, HARKINS, HORNAMAN and SONNEY

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of the convention center authority.

Referred to Committee on LOCAL GOVERNMENT, April 29, 2010.

**No. 2478** By Representative CURRY

An Act providing for bisphenol A-free baby and toddler products.

Referred to Committee on HEALTH AND HUMAN SERVICES, April 29, 2010.

**No. 2481** By Representatives FARRY, BARRAR, BEYER, BROOKS, CLYMER, CUTLER, EVERETT, FLECK, GROVE, MILNE, MUSTIO, PERRY, QUINN, REESE, SCAVELLO, SWANGER, TALLMAN, TURZAI, VULAKOVICH and WATSON

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for compensation of members of the General Assembly.

Referred to Committee on STATE GOVERNMENT, April 30, 2010.

**No. 2482** By Representatives GROVE, BEYER, GINGRICH, MOUL and PYLE

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, further providing for payments to school entities by Commonwealth; and repealing related provisions of the Taxpayer Relief Act.

Referred to Committee on FINANCE, April 30, 2010.

**No. 2483** By Representatives LEVDANSKY, SEIP, SCAVELLO, SAINATO, MIRABITO, PALLONE, GIBBONS, FRANKEL, WHITE, BAKER, SIPTROTH, STABACK, MAHONEY, GODSHALL, GOODMAN, D. COSTA, CALTAGIRONE, HORNAMAN, KULA, MARKOSEK, MELIO, DeWEESE, THOMAS, READSHAW, MURPHY,

O'NEILL, GRUCELA, WANSACZ, McILVAINE SMITH, SHAPIRO, SABATINA, GALLOWAY, BISHOP, P. COSTA, YUDICHAK, YOUNGBLOOD, KORTZ, PEIFER, HOUGHTON, R. TAYLOR, KESSLER and ELLIS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for special tax provisions.

Referred to Committee on FINANCE, April 30, 2010.

**No. 2484** By Representatives LEVDANSKY, HOUGHTON, McCALL, SCAVELLO, MIRABITO, BEAR, SEIP, BOYD, GIBBONS, R. TAYLOR, SAINATO, YOUNGBLOOD, YUDICHAK, KORTZ, SHAPIRO, CUTLER, CALTAGIRONE, SANTONI, STURLA, MUNDY, CREIGHTON, GODSHALL, SIPTROTH, M. SMITH, WHITE, MELIO, BRIGGS, HANNA, GOODMAN, SCHRODER, KOTIK, HUTCHINSON, JOSEPHS, DALEY, HICKERNELL, HORNAMAN, CIVERA, SOLOBAY, LENTZ, McILVAINE SMITH, O'NEILL and KESSLER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions.

Referred to Committee on FINANCE, April 30, 2010.

**No. 2485** By Representatives GEORGE, BISHOP, CALTAGIRONE, GEIST, HARKINS, HORNAMAN, JOSEPHS, McGEEHAN, MURT, M. O'BRIEN, THOMAS, WATERS, WHITE and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the Fast Track and Cost Relief Pilot Program.

Referred to Committee on EDUCATION, April 30, 2010.

The SPEAKER. Members will please report to the floor of the House.

## JOURNALS APPROVED

The SPEAKER. The Journals of Tuesday and Wednesday, January 26 and 27 of 2010, are now in print. Will the House approve those Journals?

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

## JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, April 28, 2010, will be postponed until printed. The Chair hears no objection.

## LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Dermody, the majority whip, who requests a

leave of absence for: Representative WANSACZ from Lackawanna County for the day; Representative CRUZ from Philadelphia County for the day; Representative OLIVER from Philadelphia County for the day; Representative YUDICHAK from Luzerne County for the day; Representative PALLONE from Westmoreland County for the day; Representative THOMAS from Philadelphia County for the day; Representative MUNDY from Luzerne County for the day. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests a leave of absence for Representative MICCARELLI from Delaware County for the day; Representative SAYLOR from York County for the week. Without objection, the leaves will be granted.

### MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

#### PRESENT—190

Adolph	Evans, J.	Krieger	Rapp
Baker	Everett	Kula	Readshaw
Barbin	Fabrizio	Lentz	Reed
Barrar	Fairchild	Levdansky	Reese
Bear	Farry	Longietti	Reichley
Belfanti	Fleck	Maher	Roae
Benninghoff	Frankel	Mahoney	Rock
Beyer	Freeman	Major	Roebuck
Bishop	Gabig	Manderino	Rohrer
Boback	Gabler	Mann	Ross
Boyd	Galloway	Markosek	Sabatina
Boyle	Geist	Marshall	Sainato
Bradford	George	Marsico	Samuelson
Brennan	Gerber	Matzie	Santarsiero
Briggs	Gergely	McGeehan	Santoni
Brooks	Gibbons	McI. Smith	Scavello
Brown	Gillespie	Melio	Schroder
Burns	Gingrich	Metcalfe	Seip
Buxton	Godshall	Metzgar	Shapiro
Caltagirone	Goodman	Micozzie	Siptroth
Carroll	Grell	Millard	Smith, K.
Casorio	Grove	Miller	Smith, M.
Causar	Grucela	Milne	Smith, S.
Christiana	Haluska	Mirabito	Solobay
Clymer	Hanna	Moul	Sonney
Cohen	Harhai	Murphy	Staback
Conklin	Harhart	Murt	Stern
Costa, D.	Harkins	Mustio	Stevenson
Costa, P.	Harper	Myers	Sturla
Cox	Harris	O'Brien, D.	Swanger
Creighton	Helm	O'Brien, M.	Tallman
Curry	Hennessey	O'Neill	Taylor, J.
Cutler	Hess	Oberlander	Taylor, R.
Daley	Hickernell	Parker	True
Day	Hornaman	Pashinski	Turzai
Deasy	Houghton	Payne	Vereb
Delozier	Hutchinson	Payton	Vitali
DeLuca	Johnson	Peifer	Vulakovich
Denlinger	Josephs	Perry	Wagner
DePasquale	Kauffman	Perzel	Waters
Dermody	Keller, M.K.	Petrarca	Watson
DeWeese	Keller, W.	Petri	Wheatley
DiGirolamo	Kessler	Phillips	White
Donatucci	Killion	Pickett	Williams
Drucker	Kirkland	Preston	Youngblood

Eachus	Knowles	Pyle	
Ellis	Kortz	Quigley	McCall,
Evans, D.	Kotik	Quinn	Speaker

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—9

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Pallone	Thomas	Yudichak
Mundy			

#### LEAVES ADDED—5

Fleck	O'Brien, D.	Reichley	Rohrer
Harper			

#### LEAVES CANCELED—4

Mundy	Pallone	Reichley	Yudichak
-------	---------	----------	----------

The SPEAKER. A quorum being present, the House will proceed to conduct business.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

#### HB 1163, PN 3689 (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for comprehensive sex education, parental requests, implementation and oversight and for funding.

#### EDUCATION.

#### HB 1322, PN 3690 (Amended) By Rep. WILLIAMS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitation relating to claims of adverse possession under certain circumstances; and providing for uniform notice, for mesne profits and for reimbursement.

#### URBAN AFFAIRS.

#### HB 2212, PN 3691 (Amended) By Rep. WILLIAMS

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for short title and for definitions; providing for written leases; further providing for disclosure of fees; and making editorial changes.

#### URBAN AFFAIRS.

#### SB 1200, PN 1605 By Rep. STABACK

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Wildlife Violator Compact; providing for the form of the compact; imposing additional powers and duties on the Governor and the Compact Administrator; and limiting the applicability of suspension powers.

#### GAME AND FISHERIES.

**BILL REPORTED FROM COMMITTEE****HB 2434, PN 3572**

By Rep. WILLIAMS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in first class cities, further providing for definitions and for certificate of public convenience required.

URBAN AFFAIRS.

**BILL REREFERRED**

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 2434, PN 3572, be rereferred to the Consumer Affairs Committee.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence of the gentlelady from Luzerne County, Representative Mundy, on the House floor. Her name will be added to the master roll.

**TEAM REFLECTIONS INTERMEDIATE  
SYNCHRONIZED SKATING TEAM  
PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Dauphin County, Representative Marsico, for the purpose of a presentation.

Mr. MARSICO. Thank you, Mr. Speaker.

I, along with Representatives Tallman, Payne, Gillespie, Grell, and Helm, am very pleased to welcome the Team Reflections Intermediate Synchronized Ice Skating Team to the floor of the House.

They are joining us today so that we may recognize them and honor them for their gold medal win at the 2010 Reflections Synchronized Ice Skating Competition, a gold medal win at the 2010 Colonial Classic Synchronized Skating Competition, and a bronze medal win at the 2010 Eastern Synchronized Ice Skating Sectional Championships. The intermediate level is the most competitive level in the nation. They came in second at the national competition.

At this time I would like to recognize coach Amy Henderson and coach Debbie Sheaffer, who were crucial in guiding this team to victory. Joining us at the rostrum are Coaches Henderson and Sheaffer as well as team members Cara Gauker, Katelyn Swoyer, and Allison Tully. And the rest of the team, here with us in the back of the House, is Ashley Carfagno, Eleanor Davis, Cara Gauker, Olivia Haley-Schmitt, Katelyn Hilgers, Amanda Hurd, Kasey Jordan, Charlotte Kuller – and her proud mother, Laura Kuller, is here somewhere. Where is Laura? There is Laura – Katie Rice, Katelyn Swoyer, Erin Tully, Sara Will, and Ekaterina Grin, a Russian exchange student. Please stand and give them a round of applause, and let us recognize the team as well as their families in the back.

We in the House of Representatives would like to recognize and take this opportunity to congratulate the members and

coaches of the team as well as those who assisted them, as well as their parents and family members and grandparents, and we wish them good luck in their future endeavors. I hope they find continued success.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**GUESTS INTRODUCED**

The SPEAKER. To the left of the Speaker, the Chair would like to welcome attorney Michael Ozalas; his wife, Liz Ozalas; and their grandson, Taylor Gregory. They are constituents of the Speaker. Welcome to the hall of the House.

Also to the left of the Speaker, the Chair would like to welcome Robert Whalen from Mount Pocono, who is currently attending Widener University in Harrisburg. He is the guest of Representative Mario Scavello. Welcome to the hall of the House.

In the back of the hall of the House, the Chair would like to welcome Julia Bebout and her family. She was the winner of Representative Reichley's "There Ought To Be a Law" contest in his district. She attends St. Thomas More School. Also here today is the runner-up from the contest, Kirsten Olimpo, and her family. Kirsten attends Hereford Elementary. They are the guests of Doug Reichley. Will the guests please rise. Welcome to the hall of the House.

**MT. LEBANON HIGH SCHOOL  
GIRLS BASKETBALL TEAM PRESENTED**

The SPEAKER. The Chair would like to recognize the gentleman from Allegheny County, Representative Matt Smith, for the purpose of a presentation.

Mr. M. SMITH. Thank you, Mr. Speaker.

I am very proud today to welcome the Mt. Lebanon High School Girls Basketball Team and to honor them for their continued success on the court.

The Blue Devils finished their stellar season with a 29-and-2 record, ending the season with a 24-game winning streak. And the two games that they lost, I should note, both came from outside of Pennsylvania. So they were undefeated against fellow Pennsylvania squads.

Under the expert guidance of head coach Dori Oldaker and assistant coaches Carl Satira and Shannon Crombie, the Blue Devils defeated Archbishop Ryan High School, and I understand we have a few graduates, or at least one – sorry, former Speaker O'Brien – in the House tonight, by a score of 70 to 43 to capture its second consecutive PIAA AAAA title, making it the first WPIAL Class AAAA team to accomplish this feat.

These young women deserve to be recognized for their outstanding teamwork and commitment to their sport. They met the challenges that came their way all season and earned the championship with their desire and dedication. These young women have shown perseverance on the court, in the classroom, and most importantly, are also active in the community.

Standing here with me today are head coach Dori Oldaker, assistant coach Carl Satira, and seniors Lauren Arbogast, Jess Babe, and Natalie Kinderman. These young women and all the seniors on the team leave behind a legacy of greatness to the younger players.

I would like to quickly acknowledge the team for their achievement, and in addition to the players and coaches in the well with me today, I would also like to recognize some young women in the back of the hall, and if you could please stand: juniors Madison Cable, Andie Gaetano, Paige Kassalen, and Anna Kestler; sophomores Kelly Johnson, Emma Pellicano, Liz Tommasi, Courtney Kitchen, Jill Virgi, Mary Mulvihill, Brigid O'Hara, Alexis Bushee, Jordan Holmes; and freshman Amanda Frosztega, as well as team manager Liz Derenna.

Assistant coach Shannon Crombie and seniors Chelsea Apke, Cathy Guerra, Angele Hagy, Rosie McClain, Sara Nydes, and Cissy Woodyard were unable to be here today but deserve recognition nonetheless.

On behalf of the State House of Representatives, I would like to congratulate the players, coaches, administration, and parents and other family members of the Mt. Lebanon High School Girls Basketball Team and present them with this citation for their achievements.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### SPENCER MYERS PRESENTED

The SPEAKER. The Chair welcomes the gentleman from Union County, Representative Fairchild; the gentleman from Northumberland County, Representative Phillips; the gentleman from Northumberland County, Representative Belfanti, for the purpose of a presentation.

The Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

It gives me great pleasure today to extend our appreciation and congratulations to one of the Commonwealth's finest athletes. Representative Phillips and I are honored to recognize Spencer Myers, a senior at Selinsgrove High School, upon his achievement of winning the State title at the 215-pound weight class. Spencer captured the Class AAA Individual Wrestling Championship in Hershey earlier this year.

Spencer finished his stellar season with an undefeated record of 44 wins. During the individual championship match, he defeated Zachary Nye of East Pennsboro High School with a score of 5 to 3. Spencer is also a 2009-10 Northeast Regional Class AAA Champion and a PIAA District 4 Class AAA Champion. He was also named the Reading Eagle All-Anthracite Wrestler of the Year.

In addition, Spencer was one of four Pennsylvania wrestlers to win at the Dapper Dan Wrestling Classic, claiming a 3-to-1 decision over Idaho State champ and top-ranked wrestler in the United States, Trevor Rupp. As many of you know, the Dapper Dan Wrestling Classic consists of the best wrestlers in Pennsylvania competing against the best in the nation.

Spencer, who finished his scholastic career with a 149-18 record, plans to continue his wrestling career at the University of Maryland this fall. In fact, this is Spencer's second trip here to the House floor for a State championship honor. He was honored here in March as a member of the Selinsgrove High School Football Team in his victory in claiming the PIAA Class AAA State Football Championship in December. Also, there is a pretty good chance that we may see Spencer back here again, as he is competing in track and field for the Selinsgrove Seals, and we wish him all the best in the State championships there.

Spencer, we are pleased to present you with this citation of this remarkable and well-deserved accomplishment. Spencer is being joined today by his father and coach, Todd Myers, and his mother, Julia. Julia, would you please stand?

Spencer, would you come forward? Congratulations. Keep up the good work, and all the best to you.

Mr. PHILLIPS. Thank you, Mr. Speaker.

As you can see, Representative Fairchild and I are very pleased to commend Spencer's accomplishments, not just during the championship match in Hershey but throughout his entire scholastic career. He has made his fellow wrestlers, his coaches, his school, his community, and the Commonwealth of Pennsylvania very proud.

### ZAIN RETHERFORD PRESENTED

Mr. PHILLIPS. At this time, Representative Belfanti and I are pleased to introduce another champion student athlete. We are also joined today by Zain Retherford, a freshman at Line Mountain High School, who was recently crowned State champion in the 2009-10 PIAA State Class AA Individual Wrestling Tournament. He won the title in the 103-pound weight class.

In his first year of wrestling at the varsity level, Zain already has quite an impressive record: 40 wins and 1 loss. He captured the State title by defeating Brad Farley of Bermudian Springs High School with a score of 6 to 2. During the tournament, he beat the defending State champion in the semifinals, who was ranked No. 1 in the nation, and gave Line Mountain its third State champion in 3 years. To his great credit, Zain is also a 2009-10 Northeast Region Class AA Champion, a PIAA District 4 Class AA Champion, and a Southern Sectional Champion.

We are pleased to be joined by Zain's mother, Sarah Retherford, and his sister, Mylee. If they would stand, please. Also with us today is one of his coaches, Joshua Phillips.

Zain's dedication is to be commended, and Representative Belfanti and I are pleased to give this recognition on the floor of the State House of Representatives.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### JOSEPH SPISAK PRESENTED

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Perry, for the purpose of a presentation.

Mr. PERRY. Thank you, Mr. Speaker.

It gives me exceptional pleasure and it is a great privilege to stand before you today, colleagues and invited guests, visitors, to recognize the significant accomplishments of Joe Spisak and his family.

Seated to the left of the Speaker, if you will please rise, are Joe's parents, Steve and Kimberly Spisak. And in the rear of the hall are his principal, Joe Mancuso; the athletic director, Scott Govern; the superintendent, Dr. Patty Sanker; and his head coach, Rodney Wright. If you will please stand to be recognized as well.

As a former high school wrestler myself, I can certainly attest to the individual and team effort and endeavor that goes into this accolade. Joe is the first wrestler from Boiling Springs

High School to capture the State title in 48 years, and Joe has amassed a season record of 47 wins, 1 loss, and a career record of 164 wins and 15 losses.

And I know, too, as you walk out onto that mat, you alone know the glory of victory or the agony of defeat. In my case, too many times it was the agony of defeat. But I would like you to, with me, acknowledge Joe's parents, his coaches, his school administrators, for the team and individual triumphs.

The State champion from Boiling Springs, Pennsylvania, Joe Spisak.

## REMARKS SUBMITTED FOR THE RECORD

Mr. FARRY submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Kyle Christopher Dooley, who has been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Kyle Christopher Dooley.

Whereas, Kyle Christopher Dooley earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. Kyle is a member of Troop 82.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Kyle Christopher Dooley.

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution.

Sergeants at Arms will close the doors of the House.

## CALENDAR

### RESOLUTION PURSUANT TO RULE 35

Mr. FARRY called up **HR 781, PN 3653**, entitled:

A Resolution honoring the life and service and expressing condolences upon the passing of Detective Christopher Charles Jones, who lost his life in the line of duty on January 29, 2009, while protecting the citizens of this Commonwealth.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Bucks County, Representative Farry.

Mr. FARRY. Thank you, Mr. Speaker.

I stand before you here today with a heavy heart as we are about to honor someone I was proud to call my friend for a decade, Officer Christopher Jones.

Officer Jones worked for the Middletown Township Police Department for 10 years and was posthumously promoted to the rank of detective, a rank that he was on the verge of attaining.

Officer Jones was killed in the line of duty while conducting a traffic stop on the Route 1 superhighway in Middletown Township. A driver under the influence of drugs rear-ended

Officer Jones's car, and the car proceeded to pin Officer Jones under the car. I was there that day as my role of the fire chief in the community, and I can tell you, it was the saddest day of my life.

## GUESTS INTRODUCED

Mr. FARRY. Here with us on the floor is Detective Jones's wife, Suzanne, and Officer Jones is also survived by his three children.

Also joining us on the floor today is family friend Teresa Bidwell; sergeant from the Middletown Township Police Department, Dale Keddle. And in the back of the House, acting public safety director, Pat McGinty; Officer Matt Kroiss; Sgt. Ken Mellus; and representing the Bucks County F.O.P. (Fraternal Order of Police), F.O.P. president Glen Golembeski.

Thank you for being here today to honor Chris.

I promised Suzanne that I would keep the remarks short, as it has already been a long day for her, and with that I will ask for an affirmative vote on this resolution honoring my good friend and Middletown detective, Christopher Jones.

The SPEAKER. Members and guests will rise as a sign of respect for the fallen police officer. All guests will please rise as well.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Detective Christopher Charles Jones.)

The SPEAKER. Members and guests may please be seated.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—191

Adolph	Everett	Kula	Rapp
Baker	Fabrizio	Lentz	Readshaw
Barbin	Fairchild	Levdansky	Reed
Barrar	Farry	Longietti	Reese
Bear	Fleck	Maher	Reichley
Belfanti	Frankel	Mahoney	Roae
Benninghoff	Freeman	Major	Rock
Beyer	Gabig	Manderino	Roebuck
Bishop	Gabler	Mann	Rohrer
Boback	Galloway	Markosek	Ross
Boyd	Geist	Marshall	Sabatina
Boyle	George	Marsico	Sainato
Bradford	Gerber	Matzie	Samuelson
Brennan	Gergely	McGeehan	Santarsiero
Briggs	Gibbons	McI. Smith	Santoni
Brooks	Gillespie	Melio	Scavello
Brown	Gingrich	Metcalfe	Schroder
Burns	Godshall	Metzgar	Seip
Buxton	Goodman	Micozzie	Shapiro
Caltagirone	Grell	Millard	Siptroth
Carroll	Grove	Miller	Smith, K.
Casorio	Grucela	Milne	Smith, M.
Causar	Haluska	Mirabito	Smith, S.
Christiana	Hanna	Moul	Solobay
Clymer	Harhai	Mundy	Sonney
Cohen	Harhart	Murphy	Staback

Conklin	Harkins	Murt	Stern
Costa, D.	Harper	Mustio	Stevenson
Costa, P.	Harris	Myers	Sturla
Cox	Helm	O'Brien, D.	Swanger
Creighton	Hennessey	O'Brien, M.	Tallman
Curry	Hess	O'Neill	Taylor, J.
Cutler	Hickernell	Oberlander	Taylor, R.
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wagner
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	
Ellis	Kotik	Quigley	McCall,
Evans, D.	Krieger	Quinn	Speaker
Evans, J.			

## NAYS—0

## NOT VOTING—0

## EXCUSED—8

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Pallone	Thomas	Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. The Sergeants at Arms will open the doors of the House.

## FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that he has given permission to Vince Sullivan from the News Of Delaware County to take still photographs of Representative Lentz. He is shadowing him today.

## RESOLUTIONS PURSUANT TO RULE 35

Mr. ROHRER called up **HR 675, PN 3327**, entitled:

A Resolution declaring the week of May 3 through 7, 2010, as "Pennsylvania Academic Competition Week" in Pennsylvania; and urging the Department of Education, local school districts and intermediate units to participate in the 19th annual Statewide Pennsylvania Academic Competition on May 7, 2010.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—191

Adolph	Everett	Kula	Rapp
Baker	Fabrizio	Lentz	Readshaw
Barbin	Fairchild	Levdansky	Reed

Barrar	Farry	Longiatti	Reese
Bear	Fleck	Maher	Reichley
Belfanti	Frankel	Mahoney	Roae
Benninghoff	Freeman	Major	Rock
Beyer	Gabig	Manderino	Roebuck
Bishop	Gabler	Mann	Rohrer
Boback	Galloway	Markosek	Ross
Boyd	Geist	Marshall	Sabatina
Boyle	George	Marsico	Sainato
Bradford	Gerber	Matzie	Samuelson
Brennan	Gergely	McGeehan	Santarsiero
Briggs	Gibbons	McI. Smith	Santoni
Brooks	Gillespie	Melio	Scavello
Brown	Gingrich	Metcalfe	Schroder
Burns	Godshall	Metzgar	Seip
Buxton	Goodman	Micozzie	Shapiro
Caltagirone	Grell	Millard	Siptroth
Carroll	Grove	Miller	Smith, K.
Casorio	Grucela	Milne	Smith, M.
Causar	Haluska	Mirabito	Smith, S.
Christiana	Hanna	Moul	Solobay
Clymer	Harhai	Mundy	Sonney
Cohen	Harhart	Murphy	Staback
Conklin	Harkins	Murt	Stern
Costa, D.	Harper	Mustio	Stevenson
Costa, P.	Harris	Myers	Sturla
Cox	Helm	O'Brien, D.	Swanger
Creighton	Hennessey	O'Brien, M.	Tallman
Curry	Hess	O'Neill	Taylor, J.
Cutler	Hickernell	Oberlander	Taylor, R.
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wagner
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	
Ellis	Kotik	Quigley	McCall,
Evans, D.	Krieger	Quinn	Speaker
Evans, J.			

## NAYS—0

## NOT VOTING—0

## EXCUSED—8

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Pallone	Thomas	Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Mr. HICKERNELL called up **HR 709, PN 3446**, entitled:

A Resolution designating May 12, 2010, as "Fibromyalgia Awareness Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—191

Adolph	Everett	Kula	Rapp
Baker	Fabrizio	Lentz	Readshaw
Barbin	Fairchild	Levdansky	Reed
Barrar	Farry	Longietti	Reese
Bear	Fleck	Maher	Reichley
Belfanti	Frankel	Mahoney	Roae
Benninghoff	Freeman	Major	Rock
Beyer	Gabig	Manderino	Roebuck
Bishop	Gabler	Mann	Rohrer
Boback	Galloway	Markosek	Ross
Boyd	Geist	Marshall	Sabatina
Boyle	George	Marsico	Sainato
Bradford	Gerber	Matzie	Samuelson
Brennan	Gergely	McGeehan	Santarsiero
Briggs	Gibbons	McI. Smith	Santoni
Brooks	Gillespie	Melio	Scavello
Brown	Gingrich	Metcalfe	Schroder
Burns	Godshall	Metzgar	Seip
Buxton	Goodman	Micozzie	Shapiro
Caltagirone	Grell	Millard	Siptroth
Carroll	Grove	Miller	Smith, K.
Casorio	Grucela	Milne	Smith, M.
Causar	Haluska	Mirabito	Smith, S.
Christiana	Hanna	Moul	Solobay
Clymer	Harhai	Mundy	Sonney
Cohen	Harhart	Murphy	Staback
Conklin	Harkins	Murt	Stern
Costa, D.	Harper	Mustio	Stevenson
Costa, P.	Harris	Myers	Sturla
Cox	Helm	O'Brien, D.	Swanger
Creighton	Hennessey	O'Brien, M.	Tallman
Curry	Hess	O'Neill	Taylor, J.
Cutler	Hickernell	Oberlander	Taylor, R.
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wagner
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	
Ellis	Kotik	Quigley	McCall,
Evans, D.	Krieger	Quinn	Speaker
Evans, J.			

## NAYS—0

## NOT VOTING—0

## EXCUSED—8

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Pallone	Thomas	Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Mr. LENTZ called up **HR 740, PN 3531**, entitled:

A Resolution designating the month of May 2010 as "Military Families Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Delaware County, Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

I would like to start off by thanking the Speaker and the majority leader for accommodating the schedule today so that we could put this resolution on prior to the break.

I am honored to be joined today by the head of the Pennsylvania Gold Star Mothers association, Barbara Benard, who is seated to the left of the Speaker. Barbara is the head of an organization formed to honor mothers of soldiers who have fallen in service to our country. She is specifically the head of the Pennsylvania American Gold Star Mothers and is on the executive board of the National Gold Star Mothers. She is a constituent of Representative True.

As soldiers, we are trained to move, shoot, and communicate. In many ways, the families that are left behind have a much more difficult job. They are required to wait, pray, and worry about whether or not their loved ones will return safely from service overseas. That is a tough job.

The soldier overseas has a tough job as well, but anyone that has served will tell you that your focus is primarily on your mission. The family does not have that luxury. Their enemy is time and not being able to know what is happening on a day-to-day basis. Many families shun the television, because in the modern era, every bombing and every attack is recorded almost instantaneously, and they have to wonder, well, was their loved one involved or near that event? So we should pause, I think, and have a month, as this resolution calls for, a month honoring the military families.

Caring individuals and organizations such as the Blue Star Families, the Blue Star Mothers, the American Gold Star Mothers, are dedicated to connecting military families and their communities throughout Pennsylvania and across the country. The Gold Star Mothers, of course, are those whose families have laid the ultimate sacrifice on behalf of their country. Barb Benard, who is with us today, lost her son, who was a member of the Pennsylvania National Guard and was killed in action in Iraq.

She just came this weekend from the groundbreaking ceremony at the Fisher House, which is going to be a complex at Dover Air Force Base which will be able to house 39 families, for those families that go to Dover to welcome their loved ones home in that dignified and sacred process of the delivery of the fallen home from the battlefield.

So I thank Barb for her work and her organization's work. The American Gold Star Mothers will be holding their national convention in Plymouth Meeting, Pennsylvania, this year on June 25, and I think we all should go to, check out the Fisher House Foundation, which is funding the construction of this complex so that families, entire extended families, can go to Dover and have a place to stay while awaiting the arrival of their loved ones from overseas for their final trip home.

So I thank you for your attention. I ask you to support the passage of this resolution. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—191

Adolph	Everett	Kula	Rapp
Baker	Fabrizio	Lentz	Readshaw
Barbin	Fairchild	Levdansky	Reed
Barrar	Farry	Longietti	Reese
Bear	Fleck	Maher	Reichley
Belfanti	Frankel	Mahoney	Roe
Benninghoff	Freeman	Major	Rock
Beyer	Gabig	Manderino	Roebuck
Bishop	Gabler	Mann	Rohrer
Boback	Galloway	Markosek	Ross
Boyd	Geist	Marshall	Sabatina
Boyle	George	Marsico	Sainato
Bradford	Gerber	Matzie	Samuelson
Brennan	Gergely	McGeehan	Santarsiero
Briggs	Gibbons	McI. Smith	Santoni
Brooks	Gillespie	Melio	Scavello
Brown	Gingrich	Metcalfe	Schroder
Burns	Godshall	Metzgar	Seip
Buxton	Goodman	Micozzie	Shapiro
Caltagirone	Grell	Millard	Siptroth
Carroll	Grove	Miller	Smith, K.
Casorio	Grucela	Milne	Smith, M.
Causar	Haluska	Mirabito	Smith, S.
Christiana	Hanna	Moul	Solobay
Clymer	Harhai	Mundy	Sonney
Cohen	Harhart	Murphy	Staback
Conklin	Harkins	Murt	Stern
Costa, D.	Harper	Mustio	Stevenson
Costa, P.	Harris	Myers	Sturla
Cox	Helm	O'Brien, D.	Swanger
Creighton	Hennessey	O'Brien, M.	Tallman
Curry	Hess	O'Neill	Taylor, J.
Cutler	Hickernell	Oberlander	Taylor, R.
Daley	Hornaman	Parker	True
Day	Houghton	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
Delozier	Johnson	Payton	Vitali
DeLuca	Josephs	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Wagner
DePasquale	Keller, M.K.	Perzel	Waters
Dermody	Keller, W.	Petrarca	Watson
DeWeese	Kessler	Petri	Wheatley
DiGirolamo	Killion	Phillips	White
Donatucci	Kirkland	Pickett	Williams
Drucker	Knowles	Preston	Youngblood
Eachus	Kortz	Pyle	
Ellis	Kotik	Quigley	McCall,
Evans, D.	Krieger	Quinn	Speaker
Evans, J.			

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—8

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Pallone	Thomas	Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

#### GUEST INTRODUCED

The SPEAKER. The Chair would also like to welcome, to the left of the Speaker, Barb Benard, who is a proud Gold Star Mother of Sfc. Brent Adams and guest today of Representatives True and Lentz. Welcome to the hall of the House.

#### APPROPRIATIONS COMMITTEE MEETING

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Cohen, for the purpose of an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the majority caucus room. The caucus will occur in the caucus room at 2:15 p.m. Our goal is now to return to the floor at 3:15 p.m.

The SPEAKER. Appropriations will meet immediately in the majority caucus room.

#### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, Representative Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 2:15. I would ask all Republicans to please report to our caucus room. Thank you.

The SPEAKER. The Chair thanks the lady.

#### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia County, Representative Josephs, for the purpose of an announcement.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The State Government Committee will meet at 2:15 in 205 Ryan Office Building. State Government, 2:15, 205 Ryan – 2:15. Thank you.

The SPEAKER. The Chair thanks the lady.

State Government will meet at 2:15 in room 205 of the Ryan Building.

Any further announcements?

#### RECESS

The SPEAKER. This House stands in recess until 3:15 p.m., unless sooner recalled by the Speaker.

#### RECESS EXTENDED

The time of recess was extended until 4 p.m.

**AFTER RECESS**

The time of recess having expired, the House was called to order.

**BILLS REREPORTED FROM COMMITTEE**

**HB 2253, PN 3630** By Rep. D. EVANS

An Act designating a portion of State Route 11 from the bridge carrying State Route 11 over the Susquehanna River in Point Township, Northumberland County, known as the Barry King Memorial Bridge, to the Montour County line as the Sgt. Brett D. Swank Memorial Highway.

APPROPRIATIONS.

**HB 2275, PN 3257** By Rep. D. EVANS

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to the Canaan Bible Chapel certain lands situate in South Canaan Township, Wayne County, in exchange for certain property in South Canaan Township, Wayne County, to be conveyed by the Canaan Bible Chapel to the Commonwealth of Pennsylvania.

APPROPRIATIONS.

**HB 2338, PN 3593** By Rep. D. EVANS

An Act providing for requirements for children in foster care and for grievance policy and procedure.

APPROPRIATIONS.

**SB 260, PN 1548** By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children.

APPROPRIATIONS.

**SB 828, PN 1898** By Rep. D. EVANS

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, further providing for definitions; and providing for applicability.

APPROPRIATIONS.

**SB 916, PN 1102** By Rep. D. EVANS

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for required financial reporting; and making editorial changes.

APPROPRIATIONS.

The SPEAKER. Those bills will be placed on the House supplemental calendar.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**

**HB 2044, PN 2812** By Rep. PRESTON

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for private actions.

CONSUMER AFFAIRS.

**SB 123, PN 884** By Rep. PRESTON

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

CONSUMER AFFAIRS.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 572, PN 3688** By Rep. PRESTON

A Resolution urging the Congress of the United States to amend the Consumer Product Safety Act to exclude youth all-terrain vehicles, off-highway motorcycles and snowmobiles from the lead-limit requirements of the Consumer Product Safety Act.

CONSUMER AFFAIRS.

The SPEAKER. The resolution will be placed on the House calendar.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Westmoreland County, Representative Pallone, on the House floor. His name will be added to the master roll.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests leaves of absence for: Representative REICHLEY from Lehigh County for the day and Representative ROHRER from Berks County for the day.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. Turning to leaves of absence, the Chair notes the gentleman from Lehigh County, Representative Reichley, on the House floor. His name will be added to the master roll.

## CALENDAR CONTINUED

## RESOLUTION PURSUANT TO RULE 35

Mr. CUTLER called up **HR 730, PN 3502**, entitled:

A Resolution designating the month of May 2010 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, I wanted to give a couple of the quick reasons as to why I am such an ardent supporter of ALS (amyotrophic lateral sclerosis) research. As many of you know, I lost both of my parents to this disease – my father in 1993 and my mother in 1999. I think probably one of the most cruel aspects of this disease is that you will be mentally alert for your entire physical demise. The reality is, while it robs the body of your strength, it does not rob you of the knowledge of how difficult it is to cope with this disease on a daily basis.

Since I first arrived here, I have found many colleagues that have been working with me on this issue of ALS research; I am grateful for all of them. I know that the last two budget cycles have not been as easy as we would all like them to be, so it is an especially difficult time to ask for money, even for such a worthy cause as this. But despite it being a tough financial time, I am very grateful that many of you have opened up your offices, your ears, and your hearts to such a good cause.

There is yet another reason why I think this resolution and this research is so important, and that is this: It is an alarming statistic that veterans are twice as likely to contract ALS. There is a variety of theories as to why and how, but the numbers speak for themselves. Veterans are twice as likely to have this disease and to eventually be diagnosed with it, and while I am proud of all the National Guardsmen and the troops that we have deployed from this Commonwealth, the stark reality is, we have the most individuals deployed when compared to the other 50 States. So that leads us to the logical conclusion that at some point in our future, we as a Commonwealth will likely face the crisis of increased occurrences of ALS. That is why I think it is vitally important that we ensure that we have the best research system and the best treatment system available.

I certainly look forward to working with each and every one of you as we go forward. I understand the difficult times, but I did also want to express that I sincerely appreciate from the bottom of my heart your attention that you are giving to this cause, because I feel like you are taking time to also listen to me each and every time someone comes into your office. Thank you.

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Montgomery County, Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Just briefly, I want to commend the previous speaker. His personal story and his advocacy are to be admired and commended. I think we all recognize there are many important issues out there that each one of us wants to fight for in this budget and in future budgets. I would just echo the words of the previous speaker in talking about the importance of not only

ALS research and funding but taking care of the families of those who are helping people with ALS.

I learned about ALS as many as you have, just from reading about it, hearing about it in journals, in papers, things like that. But I had a personal experience with it, Mr. Speaker, when I met Wes Rose of Glenside in Montgomery County. Wes is my age. He has children who are my children's age. Our children play Little League together, and Wes is struggling, living with ALS, and he has been battling for 5 years. He is someone who is very special to me, and I know each and every one of us here knows a Wes Rose. Each and every one of us here understands the importance of it, and I hope you will continue to work with the previous speaker, with myself, in that we will be able to ultimately provide some help here in Pennsylvania, but finally be able to end this very, very terrible illness that inflicts so many.

So, Mr. Speaker, I want to join in asking for support of HR 730, commend the previous speaker, and ask that in this budget we all work very hard to ensure that we have some financial resources put aside for those who are struggling with ALS and their families.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House adopt the resolution?

(Members proceeded to vote.)

## LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Luzerne County, Representative Yudichak, on the House floor. His name will be added to the master roll.

## CONSIDERATION OF HR 730 CONTINUED

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—192

Adolph	Everett	Lentz	Rapp
Baker	Fabrizio	Levdansky	Readshaw
Barbin	Fairchild	Longietti	Reed
Barrar	Farry	Maher	Reese
Bear	Fleck	Mahoney	Reichley
Belfanti	Frankel	Major	Roae
Benninghoff	Freeman	Manderino	Rock
Beyer	Gabig	Mann	Roebuck
Bishop	Gabler	Markosek	Ross
Boback	Galloway	Marshall	Sabatina
Boyd	Geist	Marsico	Sainato
Boyle	George	Matzie	Samuelson
Bradford	Gerber	McGeehan	Santarsiero
Brennan	Gergely	McI. Smith	Santoni
Briggs	Gibbons	Melio	Scavello
Brooks	Gillespie	Metcalfe	Schroder
Brown	Gingrich	Metzgar	Seip
Burns	Godshall	Micozzie	Shapiro
Buxton	Goodman	Millard	Siptroth
Caltagirone	Grell	Miller	Smith, K.
Carroll	Grove	Milne	Smith, M.
Casorio	Grucela	Mirabito	Smith, S.

Causser	Haluska	Moul	Solobay
Christiana	Hanna	Mundy	Sonney
Clymer	Harhai	Murphy	Staback
Cohen	Harhart	Murt	Stern
Conklin	Harkins	Mustio	Stevenson
Costa, D.	Harper	Myers	Sturla
Costa, P.	Harris	O'Brien, D.	Swanger
Cox	Helm	O'Brien, M.	Tallman
Creighton	Hennessey	O'Neill	Taylor, J.
Curry	Hess	Oberlander	Taylor, R.
Cutler	Hickernell	Pallone	True
Daley	Hornaman	Parker	Turzai
Day	Houghton	Pashinski	Vereb
Deasy	Hutchinson	Payne	Vitali
Delozier	Johnson	Payton	Vulakovich
DeLuca	Josephs	Peifer	Wagner
Denlinger	Kauffman	Perry	Waters
DePasquale	Keller, M.K.	Perzel	Watson
Dermody	Keller, W.	Petrarca	Wheatley
DeWeese	Kessler	Petri	White
DiGirolamo	Killion	Phillips	Williams
Donatucci	Kirkland	Pickett	Youngblood
Drucker	Knowles	Preston	Yudichak
Eachus	Kortz	Pyle	
Ellis	Kotik	Quigley	McCall,
Evans, D.	Krieger	Quinn	Speaker
Evans, J.	Kula		

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Rohrer	Thomas	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

## SUPPLEMENTAL CALENDAR B

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2338, PN 3593**, entitled:

An Act providing for requirements for children in foster care and for grievance policy and procedure.

On the question,  
Will the House agree to the bill on second consideration?  
Bill was agreed to.

## CALENDAR CONTINUED

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 169, PN 3651**, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions, for permitted games of chance, for prize limits, for insured games, for limited sales, for recordkeeping, for

eligible organizations' use of locations for conducting small games of chance, for separate individual prize limitations, for enforcement and for advertising.

On the question,  
Will the House agree to the bill on second consideration?

The SPEAKER. On that question, it is the Chair's understanding that the gentleman from Monroe County, Representative Scavello, is withdrawing his amendment.

Is the gentleman from Adams County, Representative Moul, withdrawing his amendment? The gentleman from Adams County, Representative Moul, are you withdrawing your amendment to HB 169? The Chair thanks the gentleman.

Is the gentleman from York County, Representative Miller, withdrawing the amendment to HB 169? The Chair thanks the gentleman.

The gentleman from Bucks County has two amendments, Representative Clymer. The gentleman is recognized. Will you indicate to the Chair what amendment you would be offering first?

Mr. CLYMER. Mr. Speaker, I would like to offer my two amendments.

On the question recurring,  
Will the House agree to the bill on second consideration?

Mr. **CLYMER** offered the following amendment  
No. **A06624**:

Amend Bill, page 10, line 28, by striking out "**\$30**" and inserting  
**\$60**

On the question,  
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this deals with the special occasion license, and I am increasing the amount from \$30 that is in the bill to \$60 for every 2 years. As everyone is aware, this legislation has expanded gambling quite substantially as far as the games that can be played and the prizes that can be awarded, and as a result, I think it is only fair that we try to help out the counties who are not going to be receiving the kind of dollars that they got in this past budget in the upcoming budget. So this will be of help to them. So I am asking for a positive vote on this modest increase, which amounts to a \$30 increase over 2 years. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Washington County, Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

In all due respect to the gentleman offering the amendment, in the bill we have increased the cost of the license fees. It has been an agreed-to figure as far as the bill goes and the amount that the licenses should be. We are trying to help out our Legions, VFWs (Veterans of Foreign Wars), fire departments, and other nonprofit clubs, being able to let them be able to recoup some additional moneys by increasing the level of prizes that they can award. With all that, and the fact that this bill ran a session ago, we spent many, many months coming up to the

numbers and the terms in the bill. Unfortunately, I would have to oppose the gentleman's amendment because of the agreements that have been made all along with all the players in this bill. So I would ask for a "no" vote on the amendment.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—15

Clymer	Gabig	Maher	Schroder
Denlinger	Geist	Murt	Stern
Everett	Harris	Mustio	Taylor, R.
Fleck	Hess	Phillips	

## NAYS—177

Adolph	Evans, D.	Lentz	Readshaw
Baker	Evans, J.	Levdansky	Reed
Barbin	Fabrizio	Longietti	Reese
Barrar	Fairchild	Mahoney	Reichley
Bear	Farry	Major	Roae
Belfanti	Frankel	Manderino	Rock
Benninghoff	Freeman	Mann	Roebuck
Beyer	Gabler	Markosek	Ross
Bishop	Galloway	Marshall	Sabatina
Boback	George	Marsico	Sainato
Boyd	Gerber	Matzie	Samuelson
Boyle	Gergely	McGeehan	Santarsiero
Bradford	Gibbons	McI. Smith	Santoni
Brennan	Gillespie	Melio	Scavello
Briggs	Gingrich	Metcalfe	Seip
Brooks	Godshall	Metzgar	Shapiro
Brown	Goodman	Micozzie	Siptroth
Burns	Grell	Millard	Smith, K.
Buxton	Grove	Miller	Smith, M.
Caltagirone	Grucela	Milne	Smith, S.
Carroll	Haluska	Mirabito	Solobay
Casorio	Hanna	Moul	Sonney
Causar	Harhai	Mundy	Staback
Christiana	Harhart	Murphy	Stevenson
Cohen	Harkins	Myers	Sturla
Conklin	Harper	O'Brien, D.	Swanger
Costa, D.	Helm	O'Brien, M.	Tallman
Costa, P.	Hennessey	O'Neill	Taylor, J.
Cox	Hickernell	Oberlander	True
Creighton	Hornaman	Pallone	Turzai
Curry	Houghton	Parker	Vereb
Cutler	Hutchinson	Pashinski	Vitali
Daley	Johnson	Payne	Vulakovich
Day	Josephs	Payton	Wagner
Deasy	Kauffman	Peifer	Waters
Delozier	Keller, M.K.	Perry	Watson
DeLuca	Keller, W.	Perzel	Wheatley
DePasquale	Kessler	Petrarca	White
Dermody	Killion	Petri	Williams
DeWeese	Kirkland	Pickett	Youngblood
DiGirolamo	Knowles	Preston	Yudichak
Donatucci	Kortz	Pyle	
Drucker	Kotik	Quigley	McCall,
Eachus	Krieger	Quinn	Speaker
Ellis	Kula	Rapp	

## NOT VOTING—0

## EXCUSED—7

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Rohrer	Thomas	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on second consideration?

Mr. **CLYMER** offered the following amendment  
No. **A06625**:

Amend Bill, page 10, line 27, by striking out "\$300" and  
inserting  
\$600

On the question,  
Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. **CLYMER**. Thank you, Mr. Speaker.

Mr. Speaker, once again I am looking for a modest increase, from \$300 to \$600 for a license that would transact when they would submit—

The **SPEAKER**. The gentleman will yield. The House will come to order. Members will please take their seats. The House will come to order. The House will come to order. The House will come to order. The House will come to order.

The Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. **CLYMER**. Thank you, Mr. Speaker.

Mr. Speaker, once again I am putting forth a modest increase for the nonprofit organizations, to go from a fee of \$300 to \$600 for every 2 years. Now, when you think of this, the prizes have been expanded from \$500 to \$1,000 to \$25,000 up to \$50,000. I mean, there has been an enormous expansion of gambling with these games of chance, and so the money is going to flow into these nonprofit organizations. And we recognize the charitable positions that they have in helping people and organizations that are in need of such funds, but at the same time, the counties could use this additional money as well. And \$600 is really not a heavyweight; it is very modest in its number.

Again, as I just mentioned, when this legislation is expanding dramatically – I do not think anyone here really knows the millions of dollars in expanded gambling that will take place – to move forward from \$300 for a license every 2 years to \$600 is very reasonable. And again, it is the county that benefits in this increased fee.

Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Washington County, Representative Solobay.

Mr. **SOLOBAY**. Thank you, Mr. Speaker.

And again, with all due respect to the gentleman from Bucks County, for all the reasons that we gave on the earlier amendment, we would also ask for a negative vote on this amendment.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—5

Clymer	Fleck	Gabig	Stern
Denlinger			

## NAYS—187

Adolph	Fabrizio	Levdansky	Rapp
Baker	Fairchild	Longietti	Readshaw
Barbin	Farry	Maher	Reed
Barrar	Frankel	Mahoney	Reese
Bear	Freeman	Major	Reichley
Belfanti	Gabler	Manderino	Roae
Benninghoff	Galloway	Mann	Rock
Beyer	Geist	Markosek	Roebuck
Bishop	George	Marshall	Ross
Boback	Gerber	Marsico	Sabatina
Boyd	Gergely	Matzie	Sainato
Boyle	Gibbons	McGeehan	Samuelson
Bradford	Gillespie	McI. Smith	Santarsiero
Brennan	Gingrich	Melio	Santoni
Briggs	Godshall	Metcalfe	Scavello
Brooks	Goodman	Metzgar	Schroder
Brown	Grell	Micozzie	Seip
Burns	Grove	Millard	Shapiro
Buxton	Grucela	Miller	Siptroth
Caltagirone	Haluska	Milne	Smith, K.
Carroll	Hanna	Mirabito	Smith, M.
Casorio	Harhai	Moul	Smith, S.
Causar	Harhart	Mundy	Solobay
Christiana	Harkins	Murphy	Sonney
Cohen	Harper	Murt	Staback
Conklin	Harris	Mustio	Stevenson
Costa, D.	Helm	Myers	Sturla
Costa, P.	Hennessey	O'Brien, D.	Swanger
Cox	Hess	O'Brien, M.	Tallman
Creighton	Hickernell	O'Neill	Taylor, J.
Curry	Hornaman	Oberlander	Taylor, R.
Cutler	Houghton	Pallone	True
Daley	Hutchinson	Parker	Turzai
Day	Johnson	Pashinski	Vereb
Deasy	Josephs	Payne	Vitali
DeLozier	Kauffman	Payton	Vulakovich
DeLuca	Keller, M.K.	Peifer	Wagner
DePasquale	Keller, W.	Perry	Waters
Dermody	Kessler	Perzel	Watson
DeWeese	Killion	Petrarca	Wheatley
DiGirolamo	Kirkland	Petri	White
Donatucci	Knowles	Phillips	Williams
Drucker	Kortz	Pickett	Youngblood
Eachus	Kotik	Preston	Yudichak
Ellis	Krieger	Pyle	
Evans, D.	Kula	Quigley	McCall,
Evans, J.	Lentz	Quinn	Speaker
Everett			

## NOT VOTING—0

## EXCUSED—7

Cruz	Oliver	Saylor	Wansacz
Miccarelli	Rohrer	Thomas	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on second consideration?

The SPEAKER. It is the Chair's understanding the gentleman from Monroe County, Representative Scavello, is withdrawing his amendment to this bill. The Chair thanks the gentleman.

On the question recurring,  
Will the House agree to the bill on second consideration?  
Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 2235, PN 3171**, entitled:

An Act providing for a moratorium on leasing State forest lands for the purposes of natural gas exploration, drilling or production; imposing duties on the Department of Conservation and Natural Resources; and providing for report contents.

On the question,  
Will the House agree to the bill on second consideration?

Mr. **LEVDANSKY** offered the following amendment  
No. **A06664**:

Amend Bill, page 1, line 4, by inserting after "contents"  
and for the Legislative Budget and Finance Committee  
study

Amend Bill, page 1, line 16, by striking out "five" and inserting  
three

Amend Bill, page 2, by inserting between lines 9 and 10

(b) Comprehensive Environmental Impact Review.—

(1) The Department of Conservation and Natural Resources shall prepare a Comprehensive Environmental Impact Review (CEIR) within two years after the start date of the moratorium. The scope of the CEIR shall include the following:

(i) An assessment of the potential impacts related to development of Marcellus gas utilizing alternative development projections. One of these projections shall address the maximum possible development on State forest lands of all current leased acreage and other State forest lands where Marcellus gas is not owned by the Commonwealth. The development projections shall include the potential for shallow gas drilling.

(ii) An assessment of the potential impacts for each development projection on the forest ecosystem, forest uses and forest users. This shall include an identification of possible problems that are associated with noncompliance of environmental regulations, nonconformance with lease requirements, accidents and related problems.

(iii) The CEIR will identify and evaluate the impacts for each development scenario related to exploration, pad development, drilling operations, road and bridge development, collection and transmission lines, compression facilities, treatment plants, waste disposal, water withdrawals and other associated development. The scope of this evaluation shall include impacts on State forest lands and private landowners and communities.

(iv) For those State forest lands where the Marcellus gas is not owned by the Commonwealth, the CEIR shall identify the specific controls in place to protect these State forest lands and compare these with the conservation provisions contained in the Department of Conservation and Natural Resources' leases.

(v) The CEIR will identify those lands proximate to State forest land where Marcellus development by other entities has the potential to impact the State forest. Potential impacts will be identified including vehicular use and rights-of-way for roads, pipelines and related development.

(vi) The CEIR shall identify the Department of Conservation and Natural Resources workload associated with administration and development of Marcellus gas for each development scenario. A workload baseline shall be established for fiscal year 2006-2007 that identifies the workload allocation within the Bureau of Forestry and shall include staffing assigned to existing responsibilities such as forest fire protection, forest health, timber management, recreation, water supply, deer management and oil and gas development. Marcellus staffing shall be addressed separately.

(2) The Marcellus workload assessment shall project the Marcellus workload over the next ten years and identify how this workload will be carried out and staffing options which include flat or reduced staffing levels. Each of these options will be compared to the staffing baseline in paragraph (1)(v) and describe the likely impacts of the Marcellus development scenarios on staffing levels related to other State forest responsibilities.

(3) The Department of Environmental Protection will provide to the Department of Conservation and Natural Resources a workload analysis with projections regarding inspection and enforcement staff time that will be allotted to assure environmental compliance on State forest lands under each of the Marcellus development scenarios. New staffing needs will be identified.

(4) The proposed scope and content of the CEIR will be subject to review and comment by the public for 60 days prior to initiation of the work to prepare the report.

Amend Bill, page 2, line 10, by striking out "(b) Report.—The" and inserting

(c) Report.—Beginning in year three the

Amend Bill, page 2, lines 13 through 15, by striking out "that" in line 13, all of line 14 and "2(a)" in line 15

Amend Bill, page 2, line 19, by striking out "3(b)" and inserting 3(c)

Amend Bill, page 3, by inserting between lines 7 and 8 Section 5. Legislative Budget and Finance Committee study relating to Marcellus gas development.

(a) General rule.—Three years after the moratorium set forth above and following the completion of the Department of Conservation and Natural Resources' Comprehensive Environmental Impact Review (CEIR), the Legislative Budget and Finance Committee shall conduct a study regarding the environmental, economic and societal impacts of the leasing of State lands for Marcellus development in this Commonwealth. The Legislative Budget and Finance Committee shall use the CEIR as a basis for its environmental study but may also conduct further investigation and utilize other sources of data for its study.

(b) Contents of study.—The study shall, at a minimum, analyze the following:

(1) The separate environmental, economic and societal impacts to both the Commonwealth and its citizens resulting from Marcellus development on State lands.

(2) The overall cumulative impact on this Commonwealth and its citizens resulting from the Marcellus development that has already taken place on State lands.

(3) Based on the impacts of Marcellus development that has taken place, a projection of the environmental, economic and societal impacts that will result from Marcellus development of all the existing leases of State land for Marcellus development.

(4) The specific impacts on communities and citizens

living in close proximity to State land which has been developed.

(5) The impact of Marcellus development on various State land user communities such as hunters, fishers, hikers, mountain bikers, campers, all terrain vehicle users, snowmobilers, boaters, horse riders and general visitors.

(6) Whether the terms of the leases for State land should be modified to mitigate any identified environmental or societal impacts or maximizes economic benefits to this Commonwealth and its citizens.

(7) Whether the Department of Environmental Protection, the Department of Conservation and Natural Resources, the Game Commission, Fish and Boat Commission and other State agencies have sufficient resources and personnel to effectively oversee and regulate Marcellus development on leased State land.

Amend Bill, page 3, line 8, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Levdansky. The gentleman will yield. The House will come to order. Members will please take their seats.

The Chair recognizes the gentleman from Allegheny County, Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this bill, HB 2235, sponsored by Representative Vitali, was initially scheduled to run for a vote last week. In the intervening week, the extra time has given me an opportunity to work to try to forge what I hope would be a bipartisan compromise and consensus on how we should implement a moratorium.

This amendment of mine does three things: First off, it continues the language that I had originally proposed to provide for a comprehensive environmental impact review to be done by DCNR (Department of Conservation and Natural Resources) over the first 2-year period of a moratorium. The second thing that this amendment does, I have taken a proposal and a suggestion, and I am very pleased to be able to work with Representative Garth Everett on the Republican side of the aisle, who had an idea of requiring a socioeconomic as well as an environmental assessment to be conducted by the Legislative Budget and Finance Committee. So the second component of the study is the language that is reflected in the original amendment offered by Representative Garth Everett whereby in year 3 a socioeconomic as well as an additional environmental assessment will be conducted on the State forest.

And the third component of this amendment, Mr. Speaker, I have heard a number of concerns relative to some members that feel that 5 years might be too long of a period for a moratorium on drilling on State forest. And I want to be clear: This is a moratorium that affects Marcellus drilling only on the State forest, not on private land in the State. And understand, probably over 95 percent of the acres in the State that have been leased are on private, private land. So this amendment does not impact the drilling that has been going on and that is planned to go on going forward on drilling on private land.

So it just affects the drilling on the State forest, and it reduces the moratorium from 5 years down to 3. So those are the three components of amendment 6664, which I hope would meet with the approval of the members of this body. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Levdansky amendment. Dave has been a leader on this issue and I think he has done a great job reaching to the other side of the aisle and finding out a middle ground which we all can live with, and I would ask for your support. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lycoming County, Representative Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I, too, rise to support amendment 6664 and just will briefly explain why. The district that I represent in Lycoming County has a lot of the land that was leased in the first two major leases that we put out out of this General Assembly. And we have already seen some minor impacts as a result of that, both environmental and to the folks who use State land. And I would just like to see this body take – and I just call it a time-out rather than a moratorium; moratorium sounds so serious, like we are never going to get back to it – to just take a time-out and take a look at what the impacts are both to the State forests and to those of us who use the State forests.

I have a lot of people from the district I represent who live on the borders and the fringes of these State forests, and they are very concerned about this development. And I also have a lot of folks who are – I call them part-time constituents – who are from your districts, who come and hunt and fish and hike and bike and snowmobile and use those State forests, and they also have expressed a lot of concern about this development. I would just like to point out to the body that to date we have already leased out 47 percent of the available Marcellus State forest land, and that is in the first 3 years of what is going to be probably a 20- to 30-year-long development.

And before we commit any more major tracts of land to that development, again, I would like to see us assess the impacts, and I would also like to put another thought in your mind. This land, if and when we choose to lease it out down the road – 5, 10 years from now – may be even more valuable as an economic asset to this Commonwealth than we are getting right now in the early stages of this leasing. So before we just keep going helter-skelter and putting thousands and thousands of acres out on the market, I would just like to have us take a breather, take a look.

I have talked to people from the industry, and if you have noticed, the industry really has not taken a negative position on this. They have lots and lots of State and private land leased out. They have lots to develop right now and they have a lot on their plate with this Marcellus. It is not going to affect the long-term viability of Marcellus in the Commonwealth of Pennsylvania. And for the reasons that have been set forth by the other Representatives and speakers, I would ask for a positive vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, many times through any given session we stand with different opinions, different philosophies, and different ideas on what we can do. The truth is that this does not in any way harm the gas industry and its effort to remove gas from

Pennsylvania. There are already 1131 permits that have been issued. There will be no slowness, no effort to withhold drilling or gas production. I say that unequivocally, and I say, if there was ever a time for us to come together, today is that time. I ask you to accept this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Venango County, Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment and what I think is very bad public policy for the State of Pennsylvania. Let me explain why I think so.

Mr. Speaker, I believe that this starts Pennsylvania down the wrong track. If it is safe enough to drill for natural gas on private property, then it is safe enough to drill for natural gas on State property, especially because the State property already has much higher regulation, much more oversight, and is much more protected than the private property.

Let me give you an example, Mr. Speaker. A common lease, when a private landowner signs a lease to lease their property for a natural gas well, the common lease is about four pages long, give or take a page or two. It is about four pages long. DCNR, when they sign a lease, they start out with a 72-page lease with all the extra restrictions and things that the drillers have to do when they are drilling on State lands. DCNR, in addition, has extra employees that are overlooking any operations on their State forests, in addition to the DEP (Department of Environmental Protection) regulators, who are also watching drilling on the State forests. And DCNR also, on day one, has the chance to exclude any exceptional or special lands within their purview. They limit this drilling to areas that they believe are safe.

Mr. Speaker, we in Pennsylvania had a 6-year moratorium on leasing starting in 2002, but Gov. Edward Rendell lifted that moratorium because he feels it is safe to drill on State forest lands. He lifted that moratorium. I believe that Governor Rendell is going to look out for the best uses of State land and make sure it is protected. And therefore, I think it should be in his purview and we should not be setting a moratorium as a General Assembly.

I guess the biggest reason I think that this moratorium is bad is because if we start down this road, whether it is 5 years, 3 years, 1 year of a moratorium, that the hue and cry will then go up to place an across-the-board moratorium on any drilling in this State. And I am already hearing those folks saying that, that public property, private property, we should have an across-the-board moratorium, which already has happened in the State of New York. I am afraid that that is going to happen here, and I think that is terrible, terrible public policy for Pennsylvania.

We have folks who need cost-efficient energy. We have industries and jobs that rely on cost-efficient energy. Whether we drill on a specific piece of land or not or drill on certain acres or not, I do not think it is within this General Assembly to point out those plots. We should leave that to our Governor and to DCNR, who on their own decided to begin drilling on State forest lands again after a 6-year moratorium.

Mr. Speaker, I strongly oppose this 3-year moratorium, a 5-year moratorium – whatever that number ends up being – because I think it will set us down the path to shutting off any energy production in the State of Pennsylvania, and that is just wrong. Please join me in opposing this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from McKean County, Representative Causer.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to oppose this amendment and oppose this legislation. I want to talk a little bit about where I come from. I represent McKean, Potter, and Cameron Counties, and when you look at that district, 60 percent of Cameron County is State forest land and over 50 percent of Potter County is State forest land. Now, when you are talking about a moratorium, you are actually talking about a delay. You are actually talking about delaying development. Well, let me tell you, our counties have some of the highest unemployment in Pennsylvania and this is one bright spot that we actually have. This is one potential area where we can put people to work. Do you hear me? We are putting people to work, and that is what we need to do. We need to put people to work. And the overall goal here by the people pushing this legislation is to stop development. They want to stop drilling altogether.

Make no mistake, the people pushing this legislation want to stop the drilling, whether it is on State land or private land – any land. They want to stop the drilling, and that is really what the focus is. So if now they are pushing for what they call a compromise as a 3-year moratorium, we really know that a 3-year moratorium is more like a 5- or a 6-year moratorium, because we all know how government works and it is going to take longer than what people say.

So really, this is a delay tactic. This is an effort to stop drilling and there is no need for it. As the previous speaker said, the Governor and DCNR have the authority right now where to drill. Do you not trust your Governor? Do you not trust him? He is deciding where to drill right now. I mean, he is deciding where we drill; no one else is. Trust your Governor, and let us move forward with drilling.

Mr. Speaker, we should defeat this amendment. We should defeat this legislation and move forward with responsible energy policy. We do not need this amendment. So thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I think we need to look at the State forest as a Commonwealth asset. Clearly, this is something we own, whether we are talking about the timber which grows in the State forest and has been harvested sustainably, or the minerals or the natural gas under the ground, or the clean air and clean water which is helped by the standing timber. It is smart fiscal policy to study the effects of uncontrolled leasing of the State forest. We owe that to the people we represent because this asset belongs to them. It is not smart fiscal policy to lease out land for drilling without considering what effect that will have on sustainable timbering and on other assets of the State forest, including its ability to provide recreational and hunting opportunities and its ability to help us have clean air and clean water in Pennsylvania.

It is not smart fiscal policy to flood the market with cheap government land leases when our own citizens are competing with us to lease their land and mineral rights. It is not smart fiscal policy for the government to do that.

Mr. Speaker, may I have a little order?

The SPEAKER. The gentlelady is correct. The House will come to order. Member will please take their seats.

Ms. HARPER. Thank you, Mr. Speaker. If there is—

The SPEAKER. The gentlelady will yield.

Ms. HARPER. Okay.

The SPEAKER. The House will come to order.

The gentlelady may proceed.

Ms. HARPER. Thank you.

If there is anything we learned from the OPEC (Organization of the Petroleum Exporting Countries) nations – and we did learn something from the OPEC nations, as painful as it was – it is that when you are sitting on top of an important natural resource, you need to monitor how you let it out on the market. When you flood the market, the price goes down. It does not make any fiscal sense for Pennsylvania to flood the market and drive down the cost of an asset that belongs to the Commonwealth. It makes no fiscal sense and it is irresponsible.

To cash out Pennsylvania's assets to solve one budget year's or two budget year's problems is shortsighted. Whether we are talking about the turnpike or the natural gas, it makes no fiscal sense to do that. On the other hand, to pause and study the environmental effects of the drilling but also the socioeconomic effects of the drilling, which is what Representative Everett's combination amendment with Representative Levdansky will do, makes sense. To do otherwise is to be a farmer who sells his best-producing field to buy a big-screen TV without considering whether the remaining acreage will feed the family for the coming winter. It is shortsighted.

Better that we should take a step back, make a careful study of the environmental effects, the fiscal effects, and the economic effects of wholesale drilling in our State forest, and make rational, prudent decisions on how to handle this very important State asset than simply flood the market with government land leases to drive the price down.

I support the Levdansky-Everett amendment as sound fiscal policy and as a prudent way to handle a very valuable Commonwealth asset. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I am an ardent supporter of the 5-year moratorium. I firmly believe that that is the direction that we should be going. However, I can accept this compromise as proposed by Representative Levdansky to ratchet it down to 3 years for a number of reasons. I felt I should stand up and tell you a few of those.

Earlier we heard from the gentleman from Venango and the gentleman from McKean about concerns they have with this moratorium, and I wanted to address those in particular. First off, no one is proposing that there be a moratorium on private land. We all accept that that is a private property decision that property owners can make and that they can go ahead and drill wherever and how often as they want on private land. What we are concerned about are the public lands. And one of the things that I would ask all of you to consider as you look at this: Public lands, as the gentlelady from Montgomery said, were not created to be a cash cow for our budgetary needs. The public lands were created for the purpose of providing public recreation. They include hunting, hiking, all sorts of uses that can be sustained over the years for our constituents. That is what the public lands were created for. We should not, we should not, I repeat, we should not be using them solely as a means of raising cash.

And the jobs will come. As the gentleman from Lycoming pointed out, almost 50 percent of our State forest is already under lease. By the time this 3-year moratorium is over, there will literally be hundreds, hundreds of Marcellus wells in production on the State forest ground. The jobs are coming; they are already there. The gentleman from McKean will see those jobs as will everybody in the north-central tier.

We do not stop the drilling with this moratorium. We do what is necessary: We slow it down to give us an opportunity so that we can look at not just the foreseen consequences that all of us are going into this with the expectation of, but also an opportunity to study and understand the unforeseen consequences. And if we do not have this moratorium, we may be shocked by some of those. So I urge everyone to support the amendment. I think it is the right idea.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman stand for brief interrogation of the amendment?

Mr. Speaker, so I understand this a little bit more—

The SPEAKER. The gentleman will yield.

For the record, the gentleman, Representative Levdaysky, indicates he will stand for interrogation. The gentleman, Mr. DeLuca, is in order and may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker.

So that I understand this, Mr. Speaker, are we asking for this moratorium so that we can make sure that we are doing things right and that we are doing it safely, that there is nothing that will happen in the future, for future generations, to make sure that future generations have the ability to enjoy our forests and that there?

Mr. LEVDANSKY. Mr. Speaker, what this amendment does, it ensures that in the first 2 years of a moratorium, the DCNR would do a comprehensive environmental impact review to look at all of the environmental impacts associated with drilling hundreds of wells and then thousands of wells on our State forest, our public land.

And then secondly, under the language from Representative Everett's amendment, then in year 3 we would do, on top of the environmental review, a socioeconomic review as well. So it would enable us, it would enable the Commonwealth to be able to fully assess the environmental and socioeconomic impacts of drilling so that we will have an understanding of what the impacts and the challenges are so that as we go forward after the 3-year period, we will be able to make sure that any drilling done after that is done in an environmentally sensitive and sustainable basis.

Mr. DeLUCA. Thank you, Mr. Speaker.

That ends my interrogation. I would like to make a statement.

The SPEAKER. The gentleman is in order and may proceed.

Mr. DeLUCA. Mr. Speaker, I support the Levdaysky amendment, and I think it is a good way to do it because we cannot be too cautious when we are talking about the future. Now, I heard about, we are talking about jobs, job, jobs. Well, BP was talking about jobs, jobs, jobs years ago. Now we lost jobs, jobs, jobs, and now we are talking about looking at whether we are going to drill or not drill.

So what we should do in Pennsylvania is make sure that we are doing the right thing, because anything can go bad. Fifteen years ago when they were drilling, they never thought we would have that problem today of our coast lands, the jobs that are going to be lost, the people that are going to be paying higher prices, the fishermen out of jobs. They are talking about now they will not even open up the drilling because they need to look at it more.

So this is the right way to go, to study this to make sure that we are doing the right thing for the future, for the future generations, so they can enjoy the forest lands that we are enjoying today. So I strongly support the Levdaysky amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Greene County, Representative DeWeese.

Mr. DeWEESE. North to Alaska. We are going north, where the rush is on.

Mr. Speaker, I am standing in favor of my honorable friend and colleague, Mr. Levdaysky. I think his idea is sound and perspicacious. And if, Mr. Speaker, 100 years ago in the spring of 1910 someone had the same foresight, the same gut and sinew as Mr. Levdaysky as he pursues this idealistic cause, the coal companies of Pennsylvania might not have ravaged the anthracite fields, and subsequently, the bituminous fields.

We have in this chapter in history, Mr. Speaker, a very aggressive and I hope economically sound effort on the behalf of the big Marcellus Shale corporations. I am going to speculate, Mr. Speaker, that in 5 or 10 years there will not be any gas companies or coal companies; there will just be energy companies. And in my district – and I cannot fathom that anybody in this room has a district that is more surfeited with these wonderful opportunities at Marcellus Shale than mine – but in a few years we are going to have a brand-new phenomenon. And for the next 20, 30, 40, 50 years in Pennsylvania, Marcellus Shale is going to be a robust aspect of our economy. What the Levdaysky amendment is trying to do is set the stage for a very thoughtful process.

CONSOL, the big energy company in my district, fractured by virtue of dubious industrial and mining procedures, a State dam in my district. That was 5 years ago this summer. CONSOL has yet to put one shovel in the ground, Mr. Speaker, to rebuild that dam. When Ronald Reagan went to the Berlin Wall – How do you like this for a metaphor? – he said, "Mr. Gorbachev, tear down this wall!" I say to CONSOL, "Build back our dam!"

And if you have the Levdaysky amendment in place, the Marcellus Shale people will not be able to degrade Dunkard Creek. We will have bass and muskie for our youngsters to fish in Dunkard Creek. We need a farsighted amendment like the Levdaysky amendment. It is a perfect answer for the midrange, for the next year or two or three, and I laud the gentleman and I ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker.

I would ask if the gentleman from Allegheny County would stand for brief interrogation?

The SPEAKER. The gentleman, Representative Levdaysky, indicates he will stand for interrogation. The gentleman, Mr. Turzai, is in order and may proceed.

Mr. TURZAI. Thank you, Mr. Speaker.

Sir, has the Governor taken a specific position on your amendment?

Mr. LEVDANSKY. Mr. Speaker, the amendment that I have before you essentially embodies discussions that I have had with Representative Everett on your side of the aisle and a lot of members on my side of the aisle. Frankly, I do not necessarily get to the point of asking a whole bunch of people outside this building whether or not they sign off on something that I think makes sense. So I have not solicited the Governor for his opinion on this.

Mr. TURZAI. Thank you.

In addition, the studies that you call for in your amendment, is there any reason why they could not be done within a year's period?

Mr. LEVDANSKY. Yes; the reason is that there are going to be so few wells drilled in the first year to two going forward. And understand that my amendment is not a moratorium on drilling; it is a time-out on leasing more property. DCNR has already leased approximately 800,000 of the 1.5 million acres of State forest in the Marcellus zone; approximately 800,000 by the end of this year will have been leased for both shallow, deep well, or in areas where the State does not even own the gas rights.

So I have a moratorium on additional leasing. Drilling will continue to occur. Drilling will continue to occur on those public lands that have already been signed for lease. So the reason why you cannot do a study in the first year or two is there will not be enough data. You will have a hard time measuring in year one, when there are only going to be several dozen or perhaps 100 wells drilling, compared to in the out years when the drilling is really going to be ramped up. That is when we will really be able to measure it much more effectively.

Mr. TURZAI. Sir, has there not been leasing and drilling occurring for, I think it is 7-plus years?

Mr. LEVDANSKY. There has been shallow well gas drilling going on across the State, including on DCNR properties, for decades and decades. Okay? But Marcellus drilling is a relatively new phenomenon. My recollection, Mr. Speaker, is the Marcellus drilling on the State forest is a relatively recent phenomenon over about the last 2 years.

Mr. TURZAI. On the amendment, Mr. Speaker?

The SPEAKER. On the amendment, the gentleman is in order and may proceed.

Mr. TURZAI. As with many of the policy decisions that impact Pennsylvania and its citizens, there is a balance of interests that needs to be taken into consideration. Unlike the gentleman from Greene County, I think the factor of employment and jobs is significant in this State, particularly with respect to the western and the northern parts of the State. I also think and recognize that we want to make sure that it is done in as safe a manner as possible if the goal, as some contend, and I think there is legitimacy to it, that a long moratorium is designed to actually kill the prospect of any leasing and/or drilling versus job creation.

I think when you are weighing the scales, this amendment in fact tends to be overly heavy on the side of trying to stop us from proceeding forward in terms of leasing and drilling and having the opportunity for a positive economic impact for many of the individuals in our State. That balance, I think, could be done within a year. I myself would support some of the other

amendments that I see have been offered to this particular bill that call for a 1-year or a 2-year moratorium, but I think that it is misguided. And I think it is the DCNR study that is being asked for and the Legislative Budget and Finance Committee study. There is no reason, given the information that is already in front of us, that those studies cannot be conducted within a year's time.

I would like to have an opportunity to vote on other amendments that have shorter moratoriums and that balance our ability to create jobs. There are many private-sector companies that have located or are continuing to look at locating in this State, and I think that this particular amendment sends the message – particularly given the speech given by the gentleman from Greene County – we are basically telling them: We are not interested in your business and we do not really care about the jobs that you are creating. I think an approach like some of the other amendments actually provides some balance. Yes, we want to take a quick look at this – an in-depth study can be done in a year – versus whether or not we can continue to grow our economy, particularly in parts of the State that have not had that growth. I do believe that this particular amendment is designed in part, really, to stymie it. I think that there is a sense that it will have an overflow effect into the private-sector leasing and drilling as well, and I think that is the wrong approach.

I would like to have a more balanced approach. I do not quite think that this amendment gets there. As I said, I would support some of the other amendments that have a 1- or 2-year moratorium, but I do not see the gentleman from Allegheny County's amendment really fostering that balance in an appropriate way, and I would urge the members to vote "no."

The SPEAKER. On the amendment, the Chair recognizes the gentlelady from Chester County, Representative McIlvaine Smith.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

I was in the water conditioning business for 28 years with my husband, and one of the things that we dealt with in our water treatment in Chester County was toxic chemicals. My great concern about fracking is the chemicals that are being added to the 3 to 5 million gallons of water used to frack open the shale underneath the ground. I also have a great concern about once the casing and the cementing of the boring action is completed, that seismic activity, which we did have a great deal of in the 1970s, would disturb that casing and break the cement.

Also, I know that when you go vertically and then have to go horizontally in a drilling, you have to have some sort of an elbow to take that right-hand turn. When my husband would sweat a joint – you know, any time you have a joint, you have to sweat it to close it to make sure that it is tight and it does not have a leak. I am very concerned that, how do you know that that joint is going to hold tight until you turn on or let that gas go through? Will it break that joint? And will it leak out? And will it travel up into our aquifers and poison the very life of our drinking water in the State of Pennsylvania?

I wanted to respond to the last speaker. He was talking about how he felt that we did not need very long to investigate the effects of hydraulic drilling on our aquifers and our shale in the State of Pennsylvania. On Friday, March 19, The Pittsburgh Post-Gazette announced that the EPA (Environmental Protection Agency) would, "... begin a comprehensive \$1.9 million investigation of the adverse impacts of hydraulic fracturing...." Enesta Jones, an EPA spokeswoman, was quoted as saying, "There are concerns, but also a lack of scientific

information to confirm them. This study will fill in some of the data and reduce the uncertainties."

"The new study, which the EPA said will be finished by January 2012" – which is about 2 years from now – "will update EPA's findings on hydraulic fracturing in 2004. That review found fracking didn't degrade ground water" – but get this – "its research was criticized because no ground water testing was done."

I have a bill before me that was introduced June 5, 2009: "The legislature finds that the process used to stimulate natural gas extraction referred to as hydraulic fracturing utilizes components that are often toxic, that are non-biodegradable, and that are virtually impossible to remove once they enter the natural environment. Thus, they pose such a high level of environmental risk that the policy of the state must be to insure [sic] they are excluded from any area that is significant for public drinking water resources or any other area that is environmentally sensitive."

Natural gas drilling is potentially highly transformative of rural landscapes, offering economic benefits to many landowners but threatening the property values of other local land owners, traditional rural economic activity, the carrying capacity of local infrastructure, the natural habitat of wildlife, and the public health and quality of life of residents in areas where there is natural gas extraction taking place. Unless these resources are protected in the permitting and regulatory processes of the State, the cost of Marcellus Shale natural gas extraction will exceed the benefits, and natural gas extraction will become a fundamentally unfair and divisive process in which the profits of some are subsidized by the cost to others.

Mr. Speaker, I ask that we vote in favor of Representative Levdansky's amendment, making sure that we give our State 3 years to study this process, because as I taught my children in the environmental ed classes for 3 years, we are all a part of the web of life, and whatever we do to one part of that web, we do unto ourselves, and we better make darn sure that what we are doing is not going to damage not only our forests but our drinking water, our air, the public health of our citizenry.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentleman from Indiana County, Representative Reed.

Mr. REED. Would the gentleman yield to a brief interrogation, please?

The SPEAKER. The gentleman, Representative Levdansky, indicates he will stand for interrogation. The gentleman, Mr. Reed, is in order and may proceed.

Mr. REED. Mr. Speaker, could you tell us where the moneys derived from the current leasing of State forest land for natural gas exploration, where those funds are deposited in the Commonwealth's coffers, please?

Mr. LEVDANSKY. Mr. Speaker, under present law, the revenues derived from the leasing of gas and oil on State forest property get deposited into the Oil and Gas Lease Fund, and that is a restricted receipt account that identifies the specific purposes for which those moneys can be spent, such as improvements and rehabilitation to our infrastructure in our State parks and State forests. It could be used for improvements relative to dams and waterways and flood management projects and a couple of others. So it is a limited use of the revenue from oil and gas leasing for environmental projects.

Mr. REED. Thank you very much, Mr. Speaker. On the bill?

The SPEAKER. The gentleman is in order and may proceed.

Mr. REED. Mr. Speaker, I have to admit that I am somewhat amazed by the debate that I have heard over the last half hour to an hour. Every once in a while it had some basis in reality, but we spent much of the last hour living in a very fictional world, dealing with some greatly exaggerated myths. The first of those myths would be that this legislation and this amendment represent a temporary moratorium on natural gas exploration on our State forest land. That could not be further from the truth, because in section 5 of this legislation, it actually strips the Governor and the legislature of the ability, at any time in the future, to allow additional leasing of State forest land for natural gas exploration. It gives that sole ability to the DCNR Secretary. The Governor does not have that ability. No elected official elected by the people of this Commonwealth will have the ability to put out land for lease in the future once this moratorium expires. So what we have done is we have empowered yet another bureaucrat, appointed and confirmed by the Senate, to dictate public policy for the citizens of this State, and those citizens will have no recourse on that bureaucrat's decisions at the polls in November.

I am also somewhat dumbfounded by the argument by the gentelady from Montgomery County, who talked about the economics of wanting to make sure that we suppress the supply of natural gas in order to drive up the cost for leases for private landowners. I thought given an economics background and given the laws of supply and demand and given the fact that we are now currently in one of the worst recessions since the Great Depression, that instead of ensuring that the rich get richer and instead of ensuring the big natural gas companies and their CEOs (chief executive officers) continue to pad their pockets, that we would be more concerned with the consumer, who is actually going to be paying the cost of the natural gas through their home heating bills. I for one think we should stand with the consumer, because basic economics tells you if you increase supply and you meet the demand necessary, the cost goes down and we help those who need the most in this Commonwealth have a few extra dollars in their pockets to provide for their families.

Mr. Speaker, when we look at this debate today, it is fairly simple: If you vote for this amendment, if you vote for this proposal, you are voting for a permanent moratorium on the future leasing of lands in this Commonwealth. You are also voting, because the proceeds from the leasing of those lands go into the Oil and Gas Lease Fund used to upgrade our State parks and our environmental assets in this State, you are voting to deprive them of the precious resources they need so very much during these tough budget times to provide for our citizens and to protect those resources for future generations. And you are voting to pad the pockets of big CEOs, all while leaving our consumers – our average, everyday citizens struggling to pay their home heating bill – you are leaving them out in the cold.

So, Mr. Speaker, I would suggest that we move on from this debate, that we oppose this amendment, that we oppose this bill. Let us protect the average, everyday citizen, and let us not create a monopoly for big companies and big CEOs in this State. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I feel I must rise again because the gentleman from Armstrong and Indiana Counties has completely misconstrued my argument earlier – completely and totally. Sorry; I did not mean Representative Pyle, if I picked the wrong county. We know what we are talking about.

Mr. Speaker, if I might. Thousands of acres of Pennsylvania, both public and private, are currently under lease to the natural gas companies. We know that those acres will be developed in the future. I stand with my colleagues who believe that if we can develop an American source of fuel, that America is a better and stronger place. I certainly have no objection to the development of the natural gas resources of this Commonwealth. I would like all Pennsylvanians to benefit by that, and I am assured that they will.

However, it is not necessary for us to flood the market with government leases of land at the expense of private landowners, and it is not necessary for us as Pennsylvanians to despoil our State forests in order to have natural gas available. In fact, the private land that has already been leased and the public lands that have already been leased will provide a steady source of natural gas into the future to all of our benefit.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I enjoy good healthy debate and differences of opinion. What I am not quite so enamored with are statements that really mislead a person or an organization's purpose and intent. I heard things here, like my amendment is designed to stymie development; that my amendment is like voting for a permanent moratorium, even though the language is very clear that it is a 3-year; that the purpose of the Levdansky amendment is to stop development in those poor rural communities in Pennsylvania that are so starved for the need for jobs and economic development; that the purpose of Levdansky's amendment is that he really wants an across-the-board moratorium.

Mr. Speaker, these kinds of statements, they do not just inflame the debate, but they are factually inaccurate when you read the content of my amendment. My amendment does not stop, does not stop drilling in the State; it simply says we shall save the most pristine land in Pennsylvania, the remaining 50 percent of the State forest that has not been leased. Understand, half of the State forests, by the end of this year half of the State forests will have been put up for leasing for gas. All we are saying is, let us save the rest of it for those Pennsylvanians who want to enjoy recreation, whether it is hiking or bird-watching or just taking a stroll out in the woods or enjoying the challenge of trying to catch native brook trout in a stream that you can get down on your hands and knees and drink out of and not worry about whether or not that water is polluted. We have that kind of pristine water in this State on our State forests. And those of us that appreciate being able to walk for hours from ridgetop to ridgetop chasing a deer, picking up a deer track and trailing it for miles and not having to cross roads, or listening to a gobbler two ridges over and not being forced to walk across a trail or a pipeline or some easy-access route, for those that do not enjoy quite the challenge of hunting and fishing like a lot of us do.

Mr. Speaker, this amendment just says that we need to conserve and save the remaining half of the State forest, to conserve it for ourselves, who all enjoy multiple uses of recreation of the State forest, and, Mr. Speaker, most importantly, to conserve it for future generations of Pennsylvanians yet to come. Once this acreage is put up for lease and it is impacted, you will never turn back. You know, pristine land is, the acres are fewer and fewer in this State. God is not making any more pristine forest land. We owe it to ourselves and to our kids and our grandkids to save this valuable land for future generations of Pennsylvanians.

This amendment strikes the necessary balance between development and protection of the State forest, and I would urge its favorable adoption. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. With all due respect, those who might be opposed to this amendment on various grounds are not opposed to clean streams or wonderful parks to walk or fish in, to go horseback riding in, to take your kids in. I regularly do it with my kids and my wife. I have to say that I do find it inappropriate that somehow you can have a different policy position, as some of us have outlined for our reasons, and be attacked as if we are somehow against the environment, because we are not.

I said that I myself could support a number of the other amendments that have moratoriums that I think are more balanced. That is the basis for my opposition to this amendment. It is not because I am against the environment; I am hugely in favor of the environment. But we can balance good environmental concerns with economic opportunities for the citizens of Pennsylvania, and this particular amendment does not do it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Lehigh County, Representative Reichley, wish to be recognized? On the amendment, the gentleman from Lehigh is recognized.

Mr. REICHLEY. Thank you, Mr. Speaker.

May I propose an inquiry to the gentleman from Indiana, Mr. Reed?

The SPEAKER. The question before the House is the Levdansky amendment.

Mr. REICHLEY. On the amendment. It is a question to the gentleman from Indiana on this amendment. Will he rise for interrogation?

The SPEAKER. If the gentleman, Representative Reed, will stand for interrogation, the interrogation would be in order, but it would only be on the Levdansky amendment.

Mr. REICHLEY. Right. Okay. Thank you, Mr. Speaker.

Mr. Speaker, there were a number of comments made, and like many of us who are trying to sift through the arguments going back and forth – is it correct that the Levdansky amendment as it is written does not place a moratorium on drilling on currently leased land? Is that correct?

Mr. REED. That is correct.

Mr. REICHLEY. It would place a moratorium on just leasing of land for drilling. Is that correct?

Mr. REED. That is my understanding; yes.

Mr. REICHLEY. Mr. Speaker, there are currently State-owned properties which have leasing taking place on them. Is that correct?

Mr. REED. Correct.

Mr. REICHLEY. And what is the length of those leases?

Mr. REED. Generally, those leases would be anywhere from 5 to 10 years. The net effect of those leases would be that when you pay the upfront lease bonus payment, you get the right to drill on that land for either 5 or 10 years. If you do not develop that property during that timeframe, the lease reverts back to the holder. Meaning that the company that paid for the lease would have paid that upfront payment; that would have been a wash, the State would keep that revenue and they would have to rebid that property in the future.

Mr. REICHLEY. Now, if the Levdansky amendment was passed and those leases upon land which is currently being, which is leased to a private entity expired, would the effect of the Levdansky amendment prohibit the renewal of the leases upon land which is currently being explored?

Mr. REED. That would be considered a new lease. It would have to be put out for bid once again. So that land would no longer be able to be developed under the Levdansky amendment nor would the State be able to recoup additional upfront lease bonus payments as well as the royalties in the future. So you would be adding a larger chunk of acreage to the land that would no longer be able to be developed in this State.

Mr. REICHLEY. So while we have heard that there is 47 percent of State forest land which is available right now for leasing, are you able to identify what percentage of that amount of land would no longer be available to be leased once those leases expired?

Mr. REED. I do not have the exact numbers before me. But you have to remember, land that is under lease is a moving target, because each and every day leases are expiring and they either are re-upped or that land is put to the side for development at a later time. Under this proposal you would not be able to re-up those leases, meaning that it would be put aside permanently, along with the rest of the land that the maker of this amendment is seeking to condemn to no longer being productive land.

Mr. REICHLEY. And is there anything within the Levdansky amendment that explains how the revenue that the Commonwealth will lose would be recouped from any other source?

Mr. REED. I do not believe they talk about either the revenue or the distribution of that revenue for any of the land lease proposals. It would just be deposited in the Oil and Gas Lease Fund. So in essence, what you would have actually occurring is you would have less money available to DCNR in the future to protect our State parks and enhance our recreational and environmental resources for future generations.

Mr. REICHLEY. All right. Thank you, Mr. Speaker.

Those are all the questions I have. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Would the sponsor of the amendment respond to some interrogatories?

The SPEAKER. The gentleman, Mr. Levdansky, indicates he will stand for interrogation. The gentleman, Mr. Maher, is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Can you tell me what the probable cost of your amendment would be in the fiscal year of enactment?

Mr. LEVDANSKY. Mr. Speaker, I have received a fiscal note from the Appropriations Committee for this amendment, and it notes the studies that will be required and just says that "...there may be additional costs associated with the requirement to prepare a Comprehensive Environmental Impact Review" and that the Budget and Finance Committee would be charged to doing the other study.

Mr. MAHER. So if I am understanding correctly, you are unable, based upon that fiscal note, to cite the probable cost for the year of enactment?

Mr. LEVDANSKY. Let me read the specific language from the fiscal note: "According to DCNR, there may be additional costs associated with the requirement to prepare a Comprehensive Environmental Impact Review." That is the language from the fiscal note. What I interpret that to be is that the cost is de minimis.

Mr. MAHER. Now, can you illuminate us on the probable loss of revenue from the moratorium?

Mr. LEVDANSKY. Right now – understand that there are two ways to get revenue from leasing. The immediate source of revenue is from the upfront bonus bid payments based on a per-acre lease. So you get that. And obviously, the State has done that over the last 2 years and we have used that revenue after it was deposited into the Oil and Gas Fund. We have then transferred that money out into the General Fund over the last 2 years. So there is the upfront bonus bid payment.

In addition, in addition, once the well is drilled and producing, then per the lease agreement with DCNR, the State gets ongoing rental, royalty income from those wells. So there are both immediate— There is an immediate revenue impact and there is a longer term impact so that all of the wells that will be drilled on the 800,000 acres of the State forest that have already been put up for lease, we will continue to receive the bonus bids as those leases are enacted and the State is going to continue to receive royalty revenue. So to the extent that putting a moratorium in place freezes, freezes the revenue gained from the per-acre bonus bid, that is offset by the significant increase in revenue that will be realized from the royalty payments that the State will begin to collect.

Mr. MAHER. Thank you, Mr. Speaker.

Is there any effort to quantify the loss – as you put it, the immediate revenue, or for the longer term – across the 5 years if this amendment were to be enacted?

Mr. LEVDANSKY. Mr. Speaker, in terms of the fiscal note to the bill itself, it notes that the revenue from the future leases cannot be quantified at this time, so it is really hard to gain a firm figure as to what the future revenues are likely to be.

Mr. MAHER. So it is your view that your amendment really does nothing?

Mr. LEVDANSKY. Oh, no; quite the contrary.

Mr. MAHER. Well, if it is doing something, I am asking, what is it doing? There needs to be some effort to project that. There needs to be some probable belief that you are accomplishing something here. How does that translate into dollars?

Mr. LEVDANSKY. What the amendment does is simply says, we are going to take a time-out and we are not going to lease additional, the remaining 700,000 acres of the State forest system that we have left. We are going to take a time-out from further leasing of that so that we can gauge both the

environmental impact and the socioeconomic. Frankly, it is one of the reasons why Representative Everett's amendment, included in my amendment, allows for that economic impact to be assessed before the conclusion of the moratorium, so that we will have the benefit of that study and that understanding whenever the moratorium ends.

Mr. MAHER. So if I understand correctly, based upon your amendment, sometime after this moratorium is over is when there would be an estimate of what the revenue cost of this would be?

Mr. LEVDANSKY. I am sorry, Mr. Speaker. Would you repeat the question, please?

Mr. MAHER. I am going to waive off the question—

Mr. LEVDANSKY. Okay.

Mr. MAHER. —Mr. Speaker, and conclude.

My interrogation has concluded. May I speak on the amendment?

The SPEAKER. The gentleman is in order and may proceed.

Mr. MAHER. In this great era of reform, with the sun rising again in our Commonwealth, rules were adopted that required fiscal notes to be attached to amendments, and not just any old note that says this is a fiscal note, but rather, the rules are very prescriptive. Rule 19(a) says, "The fiscal note shall...provide the following information...." Among the information that shall be provided before an amendment is in order is "The probable cost...for the...year of its enactment; A projected cost...for each of the five succeeding fiscal years; The probable loss of revenue...for the fiscal year of its enactment"; and "A projected loss of revenue...for each of the five succeeding fiscal years."

Now, the gentleman who is offering this amendment has helped clarify that there is a cost probable from this amendment, that there is a cost probable immediately and across the years to come, and that there is a probable loss of revenue from this time-out chair that he wishes to put Pennsylvania in, both in the initial year — as he very well explained, there is an immediate royalty upfront payment and then there are production royalties, so there would be an immediate current fiscal year and a future fiscal year impact. Now, all of these things under our rules shall be in a fiscal note before the amendment is in order.

Mr. Speaker, I would like to call your attention to the fact that the document on the system labeled "Fiscal Note" for this amendment has none of these elements that are absolutely required under our rules. The rules do not say it may include this or may not; it says it shall include these items, and these items are absent.

### PARLIAMENTARY INQUIRY

Mr. MAHER. So, Mr. Speaker, I believe this amendment is not in order, and I would seek your guidance if you would like me to make some related motion. Or perhaps, Mr. Speaker, what I might do is propose a motion to suspend the rules so we could consider this amendment absent all the particulars that are ordinarily required in a fiscal note.

The SPEAKER. If that is a point of parliamentary inquiry, the gentleman, Representative Levinsky, has a fiscal note filed to the bill. The rules of the House require that he have a fiscal note filed to the bill. The amendment is therefore ruled to be in order with the fiscal note that has been provided by the Appropriations Committee.

Mr. MAHER. So, Mr. Speaker, when our rules say, "The fiscal note shall...provide the following information..." and that information is not in this document, how does one go about requiring that our proceedings conform with our rules?

The SPEAKER. The fiscal note is filed pursuant to our rules. If the gentleman has an objection to that fiscal note, he would be in order to make a motion. But as far as the Speaker is concerned, the fiscal note is apropos to the amendment that has been filed.

### POINT OF ORDER

Mr. MAHER. Well, Mr. Speaker, I am not sure of the form of the motion, so bear with me. I will give it a try here. I am making a motion that this fiscal note is out of order because it does not conform to the "shall" provisions of rule 19(a) and that therefore the amendment is out of order.

The SPEAKER. The gentleman, Mr. Maher, cannot rule the fiscal note out of order.

Mr. MAHER. I am making a motion. I am making a motion that the fiscal note is out of order.

The SPEAKER. It would be a point of order and the Speaker would rule on that point of order that the fiscal note is in fact in order.

Mr. MAHER. Thank you, Mr. Speaker.

I am anticipating you and I might have a different point of view on this question. So I will make that point of order, and I am anticipating with great sadness that we will not have the same point of view and that I will then seek to appeal the decision of the Chair.

So I make the point of order that the fiscal note does not meet the "shall" requirements of rule 19(a) and is therefore out of order.

The SPEAKER. Is it the intention of the gentleman to appeal the ruling of the Chair? I have ruled that the fiscal note is in fact in order according to rule 19(a).

### RULING OF CHAIR APPEALED

Mr. MAHER. Well, in the interest of all due speed then, Mr. Speaker, I will appeal the decision of the Chair with great admiration, because I think you have done a very fair job as Speaker. But in this case I believe you are mistaken and that the rules are very clear as to what the necessary components are of the fiscal note, and they are absent. And therefore, this fiscal note, I believe, is out of order, and I appeal your decision.

The SPEAKER. The gentleman from Allegheny County, Representative Maher, has appealed the decision of the Chair. The decision of the Chair is that the fiscal note filed to amendment A06664 does not comply with rule 19(a). It is the opinion of the Chair that the gentleman, Mr. Levinsky, with the fiscal note that has been filed, that it does meet the requirements of rule 19(a) and that the amendment as well as the fiscal note are in order.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

**PARLIAMENTARY INQUIRY**

The SPEAKER. On the appeal, the Chair recognizes the gentleman from Westmoreland County, Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I guess I have a parliamentary inquiry on the process of what we are going through.

In the event that the appeal is successful, would that then determine that all future fiscal notes that are currently filed are out of order and must all be regenerated at a cost of whatever that cost is to the Commonwealth and would avoid all prior actions with the same fiscal note process?

The SPEAKER. The Chair would still consider the fiscal notes on a case-by-case basis, but the gentleman, Mr. Maher, would be establishing, basically, a new rule on how we handle fiscal notes in this House as a matter of interpretation by anyone who wants to challenge them.

Mr. PALLONE. So the new precedent would be set. In the event that we concurred that the form that this fiscal note is in was improper, then this would set the precedent for all future challenges, for all future fiscal notes, unless they contained all those enumerated items pursuant to the strictest construction of the rule?

The SPEAKER. That is correct. Every fiscal note would now be to the challenge of every member of this House.

Mr. PALLONE. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you.

I am asking for the members to uphold the Speaker's ruling. Thank you, Mr. Speaker.

**PARLIAMENTARY INQUIRY**

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House of Representatives?

On that question, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. A parliamentary inquiry, Mr. Speaker.

On questions such as these, are members allowed one or two opportunities to speak?

The SPEAKER. One opportunity.

Mr. MAHER. One opportunity. Then with all due respect, Mr. Speaker, I am going to conclude my parliamentary inquiry at the moment and reserve my opportunity to speak until we are at the end of the debate.

The SPEAKER. We are ready to call the question. Does the gentleman wish to be recognized?

The Chair recognizes the gentleman from Jefferson County, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I will not belabor the point but it seems to me that, with respect, while the Chair says that we have a fiscal note, clearly when under interrogation the maker of the amendment admitted that there is a cost, outyears somewhere else, to the Commonwealth. I think it clearly shows a deficiency in the fiscal note.

And the points that the gentleman from Allegheny County is making are valid and worthy of being upheld if only for the reason that if we are going to try to do this job better and right, we ought to be dealing with facts and we ought to deal with them in a truthful and transparent manner, and I would urge the members to overrule the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

The question before us, the amendment deals with enormous consequences. Rule 19(a) talks about fiscal notes, and it says things that a fiscal note shall have. In my discussions with the sponsor of the amendment, he quite ably explained that there was a probable cost in the year of enactment, that there was cost in future years, that there would be a loss of revenue immediately, and there would be a loss of revenue in the longer term.

Under rule 19(a), these are all things that shall be in a fiscal note. It is 19(a), subsection (3)(b), "The probable cost...for the fiscal year of its enactment; (c) A projected cost estimate...for each of the five succeeding fiscal years; (e) The probable loss of revenue...for the...year of its enactment; (f) A projected loss of revenue...for each of the five succeeding fiscal years." It is so simple to look at the one-page fiscal note and see for yourselves: None of these things are there. They are quite consequential.

Now, if you wish to amend the rules so that this is not a "shall" provision and that these things are optional for the public information and for your information as legislators, well, I suppose you can amend the rules, but do not pretend. Have the courage to recognize that this one sheet of paper that is labeled "Fiscal Note" does not have any of the things that the rule requires in this case.

So I would ask you to join with me and stand up for the integrity of our process, stand up for the integrity of our rules, and recognize that if you call a dog's tail a leg, that does not mean that a dog has now got five legs. There is no fifth leg. These rules have not been met; acknowledge it. There is no way to even pretend.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, shall the decision of the Chair stand as the decision of the House? Those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

**LEAVE OF ABSENCE**

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests a leave for the gentleman from Huntingdon County, Representative FLECK, for the remainder of the day. Without objection, the leave will be granted.

**CONSIDERATION OF HB 2235 CONTINUED**

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

**YEAS—99**

Barbin	Eachus	Kula	Sabatina
Belfanti	Evans, D.	Lentz	Sainato
Bishop	Fabrizio	Levdansky	Samuelson
Boyle	Frankel	Longietti	Santarsiero
Bradford	Freeman	Mahoney	Santoni
Brennan	Galloway	Manderino	Seip
Briggs	George	Mann	Shapiro
Brown	Gerber	Markosek	Siptroth
Burns	Gergely	Matzie	Smith, K.
Buxton	Gibbons	McGeehan	Smith, M.
Caltagirone	Goodman	McI. Smith	Solobay
Carroll	Grucela	Melio	Staback
Casorio	Haluska	Mirabito	Sturla
Cohen	Hanna	Mundy	Taylor, R.
Conklin	Harhai	Murphy	Vitali
Costa, D.	Harkins	Myers	Wagner
Costa, P.	Hornaman	O'Brien, M.	Waters
Curry	Houghton	Pallone	Wheatley
Daley	Johnson	Parker	White
Deasy	Josephs	Pashinski	Williams
DeLuca	Keller, W.	Payton	Youngblood
DePasquale	Kessler	Petrarca	Yudichak
Dermody	Kirkland	Preston	
DeWeese	Kortz	Readshaw	McCall,
Donatucci	Kotik	Roebuck	Speaker
Drucker			

**NAYS—92**

Adolph	Farry	Major	Quigley
Baker	Gabig	Marshall	Quinn
Barrar	Gabler	Marsico	Rapp
Bear	Geist	Metcalfe	Reed
Benninghoff	Gillespie	Metzgar	Reese
Beyer	Gingrich	Micozzie	Reichley
Boback	Godshall	Millard	Roae
Boyd	Grell	Miller	Rock
Brooks	Grove	Milne	Ross
Causar	Harhart	Moul	Scavello
Christiana	Harper	Murt	Schroder
Clymer	Harris	Mustio	Smith, S.
Cox	Helm	O'Brien, D.	Sonney
Creighton	Hennessey	O'Neill	Stern
Cutler	Hess	Oberlander	Stevenson
Day	Hickernell	Payne	Swanger
Delozier	Hutchinson	Peifer	Tallman
Denlinger	Kauffman	Perry	Taylor, J.
DiGirolamo	Keller, M.K.	Perzel	True
Ellis	Killion	Petri	Turzai
Evans, J.	Knowles	Phillips	Vereb
Everett	Krieger	Pickett	Vulakovich
Fairchild	Maher	Pyle	Watson

**NOT VOTING—0****EXCUSED—8**

Cruz	Miccarelli	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz

Less than a majority of the members required by the rules having voted in the negative, the decision of the Chair stood as the judgment of the House.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—150**

Adolph	Fabrizio	Lentz	Pickett
Baker	Fairchild	Levdansky	Preston
Barbin	Farry	Longietti	Quigley
Barrar	Frankel	Mahoney	Quinn
Belfanti	Freeman	Major	Readshaw
Beyer	Gabig	Manderino	Rock
Bishop	Galloway	Mann	Roebuck
Boback	Geist	Markosek	Ross
Bradford	George	Marshall	Sabatina
Brennan	Gerber	Marsico	Sainato
Briggs	Gergely	Matzie	Samuelson
Brown	Gibbons	McGeehan	Santarsiero
Burns	Gillespie	McI. Smith	Santoni
Buxton	Godshall	Melio	Scavello
Caltagirone	Goodman	Metzgar	Schroder
Carroll	Grell	Micozzie	Seip
Casorio	Grove	Millard	Shapiro
Cohen	Grucela	Miller	Siptroth
Conklin	Haluska	Milne	Smith, K.
Costa, D.	Hanna	Mirabito	Smith, M.
Costa, P.	Harhai	Moul	Staback
Creighton	Harkins	Mundy	Stern
Curry	Harper	Murphy	Sturla
Daley	Hennessey	Murt	Taylor, J.
Deasy	Hess	Myers	Taylor, R.
DeLuca	Hornaman	O'Brien, D.	Vereb
DePasquale	Houghton	O'Brien, M.	Vitali
Delozier	Johnson	O'Neill	Wagner
DeLuca	Josephs	Pallone	Waters
DePasquale	Kauffman	Parker	Watson
Dermody	Keller, M.K.	Pashinski	Wheatley
DeWeese	Keller, W.	Payne	White
DiGirolamo	Kessler	Payton	Williams
Donatucci	Killion	Peifer	Youngblood
Drucker	Kirkland	Perzel	Yudichak
Eachus	Kortz	Petrarca	
Evans, D.	Kotik	Petri	McCall,
Everett	Kula	Phillips	Speaker

**NAYS—41**

Bear	Evans, J.	Maher	Roae
Benninghoff	Gabler	Metcalfe	Smith, S.
Boyd	Gingrich	Mustio	Solobay
Brooks	Harhart	Oberlander	Sonney
Causar	Harris	Perry	Stevenson
Christiana	Helm	Pyle	Swanger
Clymer	Hickernell	Rapp	Tallman
Cox	Hutchinson	Reed	True
Cutler	Knowles	Reese	Turzai
Denlinger	Krieger	Reichley	Vulakovich
Ellis			

**NOT VOTING—0****EXCUSED—8**

Cruz	Miccarelli	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Mr. **REED** offered the following amendment No. **A06088**:

Amend Bill, page 1, line 16, by striking out "five years after this act takes effect" and inserting

June 30, 2011

Amend Bill, page 3, line 17, by striking out "20" and inserting  
6

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Indiana County, Representative Reed.

Mr. **REED**. Thank you very much, Mr. Speaker.

This amendment would simply change the length of the moratorium. The moratorium would begin immediately upon passage, and it would end June 30, 2011. The rationale behind the 1-year moratorium as opposed to a 3- or 5-year moratorium is we should not set public policy for the next administration. Either way, at the end of this year, we are going to have either a new Republican or a new Democratic Governor, a new DCNR Secretary. They should have ample opportunity to set their own public policy in this regard during their first budget process. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. **VITALI**. Thank you, Mr. Speaker.

I rise in opposition to the Reed amendment for much of the same reasons why we voted in support of the Levdansky compromise amendment.

The Reed amendment would essentially make this legislation pointless. As has been stated previously, what we really do not know here is the cumulative impact of the thousands of wells which will be going in already on our State forest land. Right now there are only nine wells producing on our State forest land, and it is going to take time to get to their ultimate drilling, which are going to be several thousand wells, but in year one there are only going to be a handful of wells.

Each well uses several million gallons of water. Each well clears maybe 4 to 5 acres of land. Each well requires the laying of pipelines, the expanding of roads, the building of retention basins. Each well has an enormous impact. All we know now is the effect of nine wells on our State forest land, but there are going to be thousands of wells, and we do not know what that effect is going to be now and we will not know what that effect is going to be in 1 year. That is why this moratorium has to be for longer than 1 year. That is why the compromise by Representative Levdansky for 3 years made more sense, to give us a little more time for the cumulative impact.

So I would ask for a "no" vote on the Reed amendment.

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

## LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests a leave of absence for the gentleman from Philadelphia County, Representative Denny O'BRIEN, for the remainder of the day. Without objection, the leave will be granted.

## CONSIDERATION OF HB 2235 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

### YEAS—53

Baker	Grell	Miller	Reichley
Benninghoff	Grove	Moul	Rock
Beyer	Harhart	Mustio	Smith, S.
Brooks	Harris	Oberlander	Sonney
Christiana	Helm	Pallone	Stevenson
Clymer	Hess	Payne	Swanger
Cox	Kauffman	Perry	Tallman
Day	Keller, M.K.	Perzel	Taylor, J.
Delozier	Knowles	Petrarca	Turzai
Evans, J.	Krieger	Pickett	Vulakovich
Gabig	Maher	Pyle	
Gabler	Major	Quigley	McCall,
Geist	Marsico	Reed	Speaker
Gingrich	Metzgar	Reese	

### NAYS—137

Adolph	Drucker	Kirkland	Quinn
Barbin	Eachus	Kortz	Rapp
Barrar	Ellis	Kotik	Readshaw
Bear	Evans, D.	Kula	Roae
Belfanti	Everett	Lentz	Roebuck
Bishop	Fabrizio	Levdansky	Ross
Boback	Fairchild	Longietti	Sabatina
Boyd	Farry	Mahoney	Sainato
Boyle	Frankel	Manderino	Samuelson
Bradford	Freeman	Mann	Santarsiero
Brennan	Galloway	Markosek	Santoni
Briggs	George	Marshall	Scavello
Brown	Gerber	Matzie	Schroder
Burns	Gergely	McGeehan	Seip
Buxton	Gibbons	McI. Smith	Shapiro
Caltagirone	Gillespie	Melio	Siptroth
Carroll	Godshall	Metcalfe	Smith, K.
Casorio	Goodman	Micozzie	Smith, M.
Causar	Gruclera	Millard	Solobay
Cohen	Haluska	Milne	Staback
Conklin	Hanna	Mirabito	Stern
Costa, D.	Harhai	Mundy	Sturla
Costa, P.	Harkins	Murphy	Taylor, R.
Creighton	Harper	Murt	True
Curry	Hennessey	Myers	Vereb
Cutler	Hickernell	O'Brien, M.	Vitali

Daley	Hornaman	O'Neill	Wagner
Deasy	Houghton	Parker	Waters
DeLuca	Hutchinson	Pashinski	Watson
Denlinger	Johnson	Payton	Wheatley
DePasquale	Josephs	Peifer	White
Dermody	Keller, W.	Petri	Williams
DeWeese	Kessler	Phillips	Youngblood
DiGirolamo	Killion	Preston	Yudichak
Donatucci			

NOT VOTING—0

EXCUSED—9

Cruz	O'Brien, D.	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz
Miccarelli			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **REED** offered the following amendment No. **A06321**:

Amend Bill, page 1, line 2, by striking out "natural gas exploration, drilling or" and inserting  
energy

Amend Bill, page 1, line 9, by striking out "Natural Gas" and inserting

Energy

Amend Bill, page 1, line 14, by inserting after "production"  
, solar energy installations and wind energy installations

Amend Bill, page 1, line 16, by striking out "five years after this act takes effect" and inserting

on June 30, 2011

Amend Bill, page 2, line 2, by inserting after "assess.—"  
(1)

Amend Bill, page 2, line 3, by striking out "have a duty to"

Amend Bill, page 2, by inserting between lines 9 and 10

(2) The Department of Conservation and Natural

Resources shall assess any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, line 15, by inserting after "2(a)."

The report shall include an analysis of any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, lines 20 and 21, by striking out "natural gas" in line 20 and "exploration, drilling or" in line 21 and inserting  
energy

Amend Bill, page 3, line 17, by striking out "20" and inserting  
6

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. Is the gentleman withdrawing the amendment? The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **REED** offered the following amendment No. **A06325**:

Amend Bill, page 1, line 2, by striking out "natural gas exploration, drilling or" and inserting  
energy

Amend Bill, page 1, line 9, by striking out "Natural Gas" and inserting

Energy

Amend Bill, page 1, line 14, by inserting after "production"

, solar energy installations and wind energy installations

Amend Bill, page 1, line 16, by striking out "five years after this act takes effect" and inserting

June 30, 2011

Amend Bill, page 2, line 2, by striking out all of said line and inserting

(a) Monitor and assess.—

(1) The Department of Conservation and

Amend Bill, page 2, line 3, by striking out "have a duty to"

Amend Bill, page 2, by inserting between lines 9 and 10

(2) The Department of Conservation and Natural

Resources shall assess any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, line 15, by inserting after "2(a)."

The report shall include an analysis of any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, lines 20 and 21, by striking out "natural gas" in line 20 and "exploration, drilling or" in line 21 and inserting  
energy

Amend Bill, page 3, by inserting between lines 3 and 4

(vii) Economic impacts, including, but not

limited to: the effects on the local economy, jobs created

and revenue impact to the Commonwealth related to

energy on State forest land.

Amend Bill, page 3, lines 10 through 16, by striking out all of lines 10 through 15 and "values of the forest with the proposed lease"

in line 16 and inserting

advise the Governor and the General Assembly on any offer of State forest land for lease for the purpose of energy or production once the moratorium expires. This advertisement shall include, but not limited to: water and air quality, plant and animal habitats, multiple ecosystems, recreational, economic and the social and aesthetic values of the lease

Amend Bill, page 3, line 17, by striking out "20" and inserting

6

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Reed, is withdrawing the amendment? The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **REED** offered the following amendment No. **A06324**:

Amend Bill, page 1, line 2, by striking out "natural gas exploration, drilling or" and inserting  
energy

Amend Bill, page 1, line 9, by striking out "Natural Gas" and inserting

Energy

Amend Bill, page 1, line 14, by inserting after "production"  
, solar energy installations and wind energy installations

Amend Bill, page 1, line 16, by striking out "five years after this act takes effect" and inserting  
June 30, 2011

Amend Bill, page 2, line 2, by striking out all of said line and inserting

(a) Monitor and assess.—

(1) The Department of Conservation and

Amend Bill, page 2, line 3, by striking out "have a duty to"

Amend Bill, page 2, by inserting between lines 9 and 10

(2) The Department of Conservation and Natural Resources shall assess any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, line 15, by inserting after "2(a)."

The report shall include an analysis of any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, lines 20 and 21, by striking out "natural gas" in line 20 and "exploration, drilling or" in line 21 and inserting  
energy

Amend Bill, page 3, by inserting between lines 3 and 4

(vii) Economic impacts, including, but not limited to, the effects on the local economy, jobs created, revenue impact to the Commonwealth and the effects on natural gas supplies by natural gas exploration, drilling and production on State forest land.

Amend Bill, page 3, lines 8 through 16, by striking out all of said lines

Amend Bill, page 3, line 17, by striking out "20" and inserting  
5

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is withdrawing the amendment.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. The Chair recognizes the gentleman, Mr. Reed, who offers amendment A06323. The gentleman is withdrawing the amendment? The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **REED** offered the following amendment No. **A06326**:

Amend Bill, page 3, lines 10 through 16, by striking out all of said lines and inserting  
advise the Governor and the General Assembly on any offer of State forest land for lease for the purpose of natural gas exploration, drilling or production once the moratorium expires. This advisement shall include, but not be limited to the following: water and air quality, plant and animal habitats, multiple ecosystems, recreational, economic and the social and aesthetic values of the lease.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Indiana County, Representative Reed.

Mr. REED. Mr. Speaker, this amendment would very simply change section 5 of the bill that we talked about in the earlier debate on the Levdansky amendment that would, in essence, make it into a permanent moratorium giving the entire authority over future leasing not to an elected official elected by the people of this Commonwealth, but to an appointed bureaucrat, the head of the DCNR.

This amendment would change the language. Instead of saying "in its sole discretion," it will now read that the department shall "advise the Governor" and the legislature as to future leasing. So they now advise the legislature and the Governor as to what should be the best policy, but ultimately, the decision will rest in the hands of someone elected by the people of this Commonwealth.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the Reed amendment. Essentially, what the bill in chief would do would be to keep existing law as it is. Right now it is at the discretion of the DCNR as to leasing. However, as a practical matter, because the DCNR Secretary serves at the pleasure of the Governor, in effect it is the chief executive who has that.

The bill underscores an important philosophical point, which is the forests ought to be leased, regardless of the resource, based on sustainability. That is a good point to underscore. The Reed amendment would eliminate that. My amendment essentially keeps the status quo as it is, and therefore, I would oppose the Reed amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Indiana County, Representative Reed.

Mr. REED. Just one correction on the previous speaker's comments: This would have no impact on the moratorium. The moratorium that everybody just voted for, the 3-year moratorium, would remain in place. This would only impact how future leasing is treated postmoratorium and poststudy. This is only saying that in the future, once the moratorium is over, the DCNR Secretary will not have sole discretion. It shall advise the Governor and advise the legislature, thus avoiding a litmus test situation when the DCNR Secretary seeks confirmation in the Senate. Ultimately, that is what would occur should section 5 remain as is. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Representative Levdansky.

Mr. LEVDANSKY. Mr. Speaker, thank you very much.

The language contained in the bill, as with my amendment, is important, and it is for this reason: After the 3-year-moratorium period is over and all the studies are complete, then it says that additional State forest leasing can only be done in a way that enables it to "...be sustained in a balanced state that preserves water and air quality, plant and animal habitats and the multiple ecosystems, recreational, social and aesthetic values of the forest...." So it says, after the 3 years leasing can go forward as long as it does not jeopardize the sustainability of the State forest system.

We want to have a sustainable State forest system. If drilling goes on after the moratorium, you want to make sure that it is done in a way that does not negatively impact the ecosystem, the timber industry. You know, our State forest system is certified, which because it is certified, the certification it has, our hardwood mills in our State are able to sell our hardwoods at a top price. You do not want to see the certification of the State forest jeopardized because of the negative impact that it would have on the hardwood's industry itself. So you want to make sure that after the moratorium expires, that any leasing that is allowed is done so in an environmentally sensitive and nonintrusive manner.

It sounds nice, but this is an amendment that emasculates the true intention of this legislation, and you do not want to do that. You want to vote "no" on this emasculation of this particular piece of legislation. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—93

Adolph	Geist	Major	Quigley
Baker	Gergely	Marshall	Quinn
Barrar	Gillespie	Marsico	Rapp
Bear	Gingrich	Metcalfe	Reed
Benninghoff	Godshall	Metzgar	Reese
Beyer	Grell	Micozzie	Reichley
Boyd	Grove	Millard	Roae
Brooks	Harhart	Miller	Rock
Causer	Harper	Moul	Scavello
Christiana	Harris	Murt	Smith, S.
Clymer	Helm	Mustio	Solobay
Cox	Hennessey	O'Neill	Sonney
Creighton	Hess	Oberlander	Stern
Cutler	Hickernell	Pallone	Stevenson
Day	Hutchinson	Payne	Swanger
Delozier	Kauffman	Peifer	Tallman
Denlinger	Keller, M.K.	Perry	Taylor, J.
DiGirolamo	Killion	Perzel	True
Ellis	Knowles	Petrarca	Turzai
Evans, J.	Krieger	Petri	Vereb
Fairchild	Kula	Phillips	Vulakovich
Farry	Maher	Pickett	Watson
Gabig	Mahoney	Pyle	White
Gabler			

#### NAYS—97

Barbin	Donatucci	Kortz	Sabatina
Belfanti	Drucker	Kotik	Sainato
Bishop	Eachus	Lentz	Samuelson
Boback	Evans, D.	Levdansky	Santarsiero

Boyle	Everett	Longietti	Santoni
Bradford	Fabrizio	Manderino	Schroder
Brennan	Frankel	Mann	Seip
Briggs	Freeman	Markosek	Shapiro
Brown	Galloway	Matzie	Siptroth
Burns	George	McGeehan	Smith, K.
Buxton	Gerber	McI. Smith	Smith, M.
Caltagirone	Gibbons	Melio	Staback
Carroll	Goodman	Milne	Sturla
Casorio	Grucela	Mirabito	Taylor, R.
Cohen	Haluska	Mundy	Vitali
Conklin	Hanna	Murphy	Wagner
Costa, D.	Harhai	Myers	Waters
Costa, P.	Harkins	O'Brien, M.	Wheatley
Curry	Hornaman	Parker	Williams
Daley	Houghton	Pashinski	Youngblood
Deasy	Johnson	Payton	Yudichak
DeLuca	Josephs	Preston	
DePasquale	Keller, W.	Readshaw	McCall,
Dermody	Kessler	Roebuck	Speaker
DeWeese	Kirkland	Ross	

#### NOT VOTING—0

#### EXCUSED—9

Cruz	O'Brien, D.	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz
Miccarelli			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. Is the gentleman, Representative Reed, offering amendment 6322?

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. REED offered the following amendment No. **A06322**:

Amend Bill, page 1, line 2, by striking out "natural gas exploration, drilling or" and inserting  
energy

Amend Bill, page 1, line 9, by striking out "Natural Gas" and inserting

Energy

Amend Bill, page 1, line 14, by inserting after "production", solar energy installations and wind energy installations

Amend Bill, page 2, line 2, by striking out all of said line and inserting

(a) Monitor and assess.—

(1) The Department of Conservation and

Amend Bill, page 2, line 3, by striking out "have a duty to"

Amend Bill, page 2, by inserting between lines 9 and 10

(2) The Department of Conservation and Natural Resources shall assess any potential impacts solar energy installations and wind energy installations may have on State forest lands.

Amend Bill, page 2, line 15, by inserting after "2(a)."

The report shall include an analysis of any potential impacts solar energy installations and wind energy installations may have on State

forest lands.

Amend Bill, page 2, lines 20 and 21, by striking out "natural gas" in line 20 and "exploration, drilling or" in line 21 and inserting energy

Amend Bill, page 3, by inserting between lines 3 and 4

(vii) Economic impacts, including, but not limited to, the effects on the local economy, jobs created, revenue impact to the Commonwealth and the effects on natural gas supplies by natural gas exploration, drilling and production on State forest land.

Amend Bill, page 3, line 17, by striking out "20" and inserting 6

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Indiana County, Representative Reed.

Mr. REED. Mr. Speaker, this will actually be the last amendment I offer. But I think it has become quite evident that this proposal moving forward throughout the House is part of a larger budget agreement in order to gain votes necessary for the \$29 billion budget that was passed through this House a while ago.

This amendment, if you are very serious about actually protecting the State forest land, you should have no problem with this amendment. All it simply does is it changes it from just a moratorium on natural gas drilling but enhances the moratorium to ensure that the State does not lease any of that land for solar panels or for windmills. And to put that into perspective, to cover the same amount of energy produced by one Marcellus Shale well, which would take up less than 1 acre of land in a State forest, it would take 5,000 acres of solar panels to produce the same amount of electricity for our citizens as one Marcellus Shale well.

So if you are actually serious about protecting State forests, here is your opportunity. Let us protect it not just from the natural gas industry; let us protect it from the wind industry, let us protect it from the solar industry. If you want to keep it pristine, if you do not want it touched, that has to mean that you do not want it touched by any industry, not just the industry that you happen not to like. It has got to be pristine for everybody and a ban on any type of energy production from any type of industry out there. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I oppose the Reed amendment.

Mr. Speaker, the DCNR does not have the authority right now to lease either for wind or for solar, so this amendment is totally unnecessary.

Furthermore, there is no identifiable threat or a problem with regard to these resources. It might inadvertently impact putting a solar panel on a State park office or something, and that would be a wrong thing. The Reed amendment is totally unnecessary both from a legal and from a policy perspective, and I ask for a "no" vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, actually, the previous speaker – and I am sure he did not intend to make this error – did speak in error. Earlier

this year I had multiple dealings with the U.S. fish and boat service concerning the operation of windmills in south-central Pennsylvania that was having an eradicating effect on the Indiana and Maryland red-eared bats. It seems that these windmills turn at a turbine frequency that attracts these massive flocks of endangered species, and in fact, the Indiana bat was one of the first identified endangered species in 1973, but the windmill frequency of the blades causes the bats to fly directly into them.

Now, you may be curious as to how this would affect the forest. I am glad you ask. The Indiana bats make great use of the Allegheny National Forest through Pennsylvania as their breeding grounds. Thus, if we are truly serious about the flora and fauna habitation of the great forest, one must recant on the prohibition of windmills within the forest.

As for solar panels, the gentleman from Indiana did speak correctly. To produce the amount of energy produced by one Marcellus well, it would take a solar panel of 5,000 acres or, doing the math, a heck of a lot more than a 1-acre Marcellus drilling pad, which is what is encapsulated after the initial 5-year clearing. And by the way, they need roads to get in to tend those solar panels, and you would be skipping over access dirt roads and whatnot to get to the windmills as well.

So on that note, Mr. Speaker, the Reed amendment, 06322, is quite in order, quite accurate, and one worthy of this chamber's discussion. I would vote positively.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I kind of hesitate to follow the gentleman from Armstrong, but I think I want to just maybe apply a little translation to what he just said, and that is, what is good for the goose is good for the gander. It is an old saying.

The fact is, if you are in the coal industry or if you are in the gas industry, you get faced with those very questions every day, but somehow if you want to put up a windmill, that does not matter.

The second point I wanted to make is I think the gentleman from Delaware County misspoke. I am pretty sure that I am aware of some DCNR RFPs, requests for proposals, that have been out to put windmills on some of the ridges up through central Pennsylvania. So I am pretty sure, Mr. Speaker, they are already looking at leasing out State lands for windmills. They have run into some issues, but I am pretty sure they are in the process of doing that as we speak.

And clearly, when the maker of the amendment talks about the impact on habitat or the impact on the aesthetics of a forest land, windmills have as big of an effect on that. That is the main complaint you get from people is the noise and the fact that they change the view on the horizon, those kinds of things. That is the main complaint you get from constituents if anybody has proposed a windmill farm in your neighborhood.

So I just think, Mr. Speaker, I would agree with the gentleman from Armstrong that what is good for the goose is good for the gander, and if you want to be consistent about this, you ought to take a second look at some of the other sources of energy that are proposed on State government lands as well.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—93

Adolph	Gabig	Maher	Quinn
Baker	Gabler	Major	Rapp
Barrar	Geist	Marshall	Readshaw
Bear	Gergely	Marsico	Reed
Benninghoff	Gillespie	Metcalfe	Reese
Beyer	Gingrich	Metzgar	Reichley
Boback	Godshall	Micozzie	Roae
Boyd	Grell	Millard	Rock
Brooks	Grove	Miller	Scavello
Burns	Harhart	Moul	Schroder
Causar	Harper	Murt	Smith, S.
Christiana	Harris	Mustio	Solobay
Clymer	Helm	O'Neill	Sonney
Cox	Hennessey	Oberlander	Stern
Creighton	Hess	Pallone	Stevenson
Cutler	Hickernell	Payne	Swanger
Day	Hornaman	Peifer	Tallman
Delozier	Hutchinson	Perry	Taylor, J.
Denlinger	Kauffman	Perzel	True
DiGirolamo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Fairchild	Krieger	Quigley	Watson
Farry			

## NAYS—97

Barbin	Eachus	Lentz	Sabatina
Belfanti	Evans, D.	Levdansky	Sainato
Bishop	Everett	Longietti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Shapiro
Brown	George	Matzie	Siptroth
Buxton	Gerber	McGeehan	Smith, K.
Caltagirone	Gibbons	McL. Smith	Smith, M.
Carroll	Goodman	Melio	Staback
Casorio	Grucela	Milne	Sturla
Cohen	Haluska	Mirabito	Taylor, R.
Conklin	Hanna	Mundy	Vitali
Costa, D.	Harhai	Murphy	Wagner
Costa, P.	Harkins	Myers	Waters
Curry	Houghton	O'Brien, M.	Wheatley
Daley	Johnson	Parker	White
Deasy	Josephs	Pashinski	Williams
DeLuca	Keller, W.	Payton	Youngblood
DePasquale	Kessler	Petrarca	Yudichak
Dermody	Kirkland	Petri	
DeWeese	Kortz	Preston	McCall,
Donatucci	Kotik	Roebuck	Speaker
Drucker	Kula	Ross	

## NOT VOTING—0

## EXCUSED—9

Cruz	O'Brien, D.	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz
Miccarelli			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

The SPEAKER. The gentleman, Mr. Reed, is withdrawing amendments 6655 through 6661? The Chair thanks the gentleman.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

Mr. **SCHRODER** offered the following amendment  
No. **A06494**:

Amend Bill, page 1, line 2, by inserting after "production"  
and for a moratorium on natural gas transportation pipeline  
construction

Amend Bill, page 1, line 8, by striking out "State Forest"

Amend Bill, page 1, line 9, by striking out "Lease" and inserting  
Development

Amend Bill, page 1, line 12, by striking out all of said line and  
inserting

law, a moratorium is established during which:

(1) No State forest lands

Amend Bill, page 1, line 13, by striking out "not"

Amend Bill, page 1, by inserting between lines 14 and 15

(2) No person may construct natural gas transportation  
pipelines, including the replacement of lines to increase a  
pipeline's capacity by volume or additional lines used to increase  
pressure in an existing pipeline or similar pipeline activities.

(3) Paragraph (2) shall not apply to:

(i) The replacement of pipelines for maintenance  
or repair purposes, lines used to gather natural gas from  
well sites or distribution lines that deliver gas to end user  
consumers.

(ii) Natural gas transportation pipelines  
permitted or approved prior to the effective date of this  
section.

Amend Bill, page 1, line 16, by striking out "this act takes effect"  
and inserting

the effective date of this section

Amend Bill, page 2, line 3, by striking out "have a duty to"

Amend Bill, page 2, line 5, by inserting after "lands"

and the construction and use of natural gas transportation  
pipelines

Amend Bill, page 2, by inserting between lines 17 and 18

(c) Department of Environmental Protection.—The duties  
imposed on the Department of Conservation and Natural Resources by  
this act shall be conducted in conjunction with the Department of  
Environmental Protection.

Amend Bill, page 2, line 21, by inserting after "lands"

and the construction and use of natural gas transportation  
pipelines

Amend Bill, page 3, line 7, by inserting after "lands"

and the construction and use of natural gas transportation  
pipelines

On the question,  
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the  
gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, just for the record, I will be offering amendments A06494 and A06495, and I will be withdrawing the rest of the amendments.

The SPEAKER. The Chair thanks the gentleman.

The gentleman is recognized on amendment A06494.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, if we are going to go down the road of a moratorium on leasing for drilling in State forests, it seems to me we are only addressing half of the problem or half of the environmental watershed issues that accompany the Marcellus Shale issue, because the impact on the environment – whether it is a watershed, whether it is a stream, a river, a lake – is not limited to the activity occurring in the State forest. As a matter of fact, Mr. Speaker, the same concerns are identified and are concurrent with the expansion of gas transmission pipelines across the Commonwealth as well. Mr. Speaker, that is why this amendment seeks to place a similar moratorium on gas transmission pipelines until the same impact and effects of the process of drilling, of digging, of runoff, of the fracturing fluids that are involved with horizontal directional drilling of these pipelines, until all of this can be evaluated.

Mr. Speaker, there are communities in this Commonwealth that have been in the pathway and been in the cross hairs of a massive expansion of the transmission pipelines over recent years. Mr. Speaker, these people and communities who find themselves in the cross hairs often face insurmountable obstacles in protecting their neighborhoods, protecting their community, protecting their environment, and protecting their property rights, due to the regulatory authority being primarily with a distant behemoth Federal bureaucracy known as FERC, the Federal Energy Regulatory Commission.

Mr. Speaker, I know homeowners who have spent hundreds of thousands of dollars defending their property rights from the onslaught of some of these drilling proposals, some of these proposals to either put in new pipelines or expand the diameters of existing pipelines, say, from 36 to 42 inches. And while, yes, they bought their homes with easements on their property, these new pipeline projects take up more and more right-of-way of the homeowner – and sometimes very much to the detriment of the value of their property – and impact their peace of mind on their home.

So, Mr. Speaker, I say while we are taking the time to study the impact of Marcellus Shale drilling in our State forest, let us also take the same amount of time to study and recognize the impact in the other parts of the State where we are also concerned about the quality of our watersheds, the quality of our rivers, the quality of water runoff, and the pollution that goes along with it with these projects.

Now, Mr. Speaker, just to point something out. In case anyone is taking their cues from the vaunted PennFuture on these votes, I would point out that they have got it wrong; they have got it very, very wrong in their brief blurb about this amendment. This amendment will do nothing of the sort that they suggest. It will not at all shut down Marcellus drilling in this Commonwealth. There is an existing network of pipelines already in this Commonwealth that brings the gas to the east coast markets that will not be impacted at all by this amendment. Those pipelines will not be plugged, they will not be shut down, they will not be dug up and dragged out of there.

So I really do not know what this organization was talking about, and I am pretty sure they did not know what they were talking about either.

So, Mr. Speaker, I ask for support for this amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the Schroder amendment.

May I ask the gentleman a point of clarification in interrogation, Mr. Speaker?

The SPEAKER. The gentleman, Representative Schroder, indicates he will stand for interrogation. The gentleman, Mr. Vitali, is in order and may proceed.

Mr. VITALI. To be clear, is the intent of your amendment to stop natural gas pipeline construction throughout the Commonwealth of Pennsylvania?

Mr. SCHRODER. It is to stop further expansion of the transmission pipelines. This will not affect pipelines that take the natural gas to one's home; it will not affect the pipelines that take it to one's community like that. And it will not affect the pipelines that go to the drill rig at the platform, the drilling platform for the Marcellus Shale drilling.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, the problem with this amendment is this amendment—

The SPEAKER. The gentleman, Representative Vitali, are you under interrogation or on the—

Mr. VITALI. That concludes my interrogation, Mr. Speaker.

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. On the amendment, the gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, the problem with this amendment is that it is seeking authority for the State, which is the province of the Federal government. Mr. Speaker, this amendment would include the pipeline which traverses the gentleman's district, which is the proposed mid-Atlantic pipeline route which goes through Maryland. Mr. Speaker, this would make it an interstate pipeline, which would make it the province of FERC, the Federal Energy Regulatory Commission.

Mr. Speaker, we do not have the authority to do that. This amendment is violative of both the supremacy clause of the U.S. Constitution and the commerce clause of the U.S. Constitution, and I would raise the question of constitutionality here.

The SPEAKER. Will the gentleman, Representative Vitali, point out the section of the Constitution – U.S. or Pennsylvania Constitution.

Mr. VITALI. Mr. Speaker, that would be U.S. Constitution, Article VI, clause 2, and it would also be U.S. Constitution, Article I, section 8, clause 3.

The SPEAKER. Will you restate the Pennsylvania?

Mr. VITALI. I have cited constitutionality based on the U.S. Constitution; the supremacy clause and the commerce clause of the U.S. Constitution.

The SPEAKER. The section number? We have Article VI, section 2, and the second point was—

Mr. VITALI. The commerce clause section was Article I, section 8, clause 3, and the supremacy clause was U.S. Constitution, Article IV, clause 2.

The SPEAKER. Article IV or Article VI? You have stated—  
Mr. VITALI. I can read that section for you, Mr. Speaker.

The SPEAKER. Just state the articles once again just for the record.

Mr. VITALI. U.S. Constitution, Article IV, and U.S. Constitution, Article I.

The SPEAKER. The gentleman, Representative Vitali, raises the point of order that amendment No. A06494 to HB 2235 is unconstitutional, stating Article IV, section 2, and Article I, section 1, of the U.S. Constitution.

The Speaker, under rule 4, is required to submit questions of constitutionality of an amendment to the House for decision.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. On the point of order, the Chair recognizes the gentleman, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, to vote that this amendment is unconstitutional will really be ceding our sovereignty and our authority over these issues. I think it will set a very dangerous and bad precedent.

Mr. Speaker, if you do not like the amendment, go ahead and vote against it on its merits, but once again, let us not take the crafty, easy way out on this.

Mr. Speaker, I would offer this for your consideration as well. When pipeline proposals come to your community and target your mature neighborhoods and target some of your sensitive environmental areas and your historic structures and put a danger to them, good luck. Good luck explaining to your constituents that you voted against this amendment based upon vague and nebulous constitutional concerns.

Mr. Speaker, let us get on with voting on this on the merits and vote against the Vitali motion.

The SPEAKER. On the question, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I just want to rise to support the gentleman's motion on constitutionality – Mr. Vitali. Thank you.

The SPEAKER. On the point of order, those who believe the amendment is constitutional will vote "aye"; those who believe the amendment is unconstitutional will vote "nay."

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

#### YEAS—88

Adolph	Gabler	Major	Quigley
Baker	Geist	Marshall	Quinn
Barrar	Gillespie	Marsico	Rapp
Bear	Gingrich	Metcalfe	Reed
Benninghoff	Godshall	Metzgar	Reese
Beyer	Grell	Micozzie	Reichley
Boback	Grove	Millard	Roae

Brooks	Harhart	Miller	Rock
Christiana	Harper	Milne	Ross
Clymer	Harris	Moul	Scavello
Cox	Helm	Murt	Schroder
Creighton	Hennessey	Mustio	Smith, S.
Day	Hess	O'Neill	Sonney
Delozier	Hickernell	Oberlander	Stern
Denlinger	Hornaman	Payne	Stevenson
DiGirolamo	Houghton	Peifer	Swanger
Drucker	Kauffman	Perry	Tallman
Ellis	Keller, M.K.	Perzel	Taylor, J.
Evans, J.	Killion	Petri	Turzai
Fairchild	Knowles	Phillips	Vereb
Farry	Krieger	Pickett	Vulakovich
Gabig	Maher	Pyle	Watson

#### NAYS—102

Barbin	DeWeese	Kotik	Sabatina
Belfanti	Donatucci	Kula	Sainato
Bishop	Eachus	Lentz	Samuelson
Boyd	Evans, D.	Levdansky	Santarsiero
Boyle	Everett	Longietti	Santoni
Bradford	Fabrizio	Mahoney	Seip
Brennan	Frankel	Manderino	Shapiro
Briggs	Freeman	Mann	Siptroth
Brown	Galloway	Markosek	Smith, K.
Burns	George	Matzie	Smith, M.
Buxton	Gerber	McGeehan	Solobay
Caltagirone	Gergely	McI. Smith	Staback
Carroll	Gibbons	Melio	Sturla
Casorio	Goodman	Mirabito	Taylor, R.
Causer	Grucela	Mundy	True
Cohen	Haluska	Murphy	Vitali
Conklin	Hanna	Myers	Wagner
Costa, D.	Harhai	O'Brien, M.	Waters
Costa, P.	Harkins	Pallone	Wheatley
Curry	Hutchinson	Parker	White
Cutler	Johnson	Pashinski	Williams
Daley	Josephs	Payton	Youngblood
Deasy	Keller, W.	Petrarca	Yudichak
DeLuca	Kessler	Preston	
DePasquale	Kirkland	Readshaw	McCall,
Dermody	Kortz	Roebuck	Speaker

#### NOT VOTING—0

#### EXCUSED—9

Cruz	O'Brien, D.	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz
Miccarelli			

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **SCHRODER** offered the following amendment  
No. **A06495**:

Amend Bill, page 1, line 2, by inserting after "production"  
and for a moratorium on the issuance of permits related to  
natural gas transportation pipeline construction  
Amend Bill, page 1, line 8, by striking out "State Forest"  
Amend Bill, page 1, line 9, by striking out "Lease" and inserting  
Development  
Amend Bill, page 1, line 12, by striking out all of said line and

inserting

law, a moratorium is established during which:

(1) No State forest lands

Amend Bill, page 1, line 13, by striking out "not"

Amend Bill, page 1, by inserting between lines 14 and 15

(2) The Department of Environmental Protection shall not issue any permits related to the construction of natural gas transportation pipelines, including the replacement of lines to increase a pipeline's capacity by volume or additional lines used to increase pressure in an existing pipeline or similar pipeline activities. Permits under this paragraph include, but are not limited to, erosion and sedimentation under 25 Pa. Code Ch. 102 (relating to erosion and sediment control) and stream encroachment under 25 Pa. Code Ch. 105 (relating to dam safety and waterway management).

(3) Paragraph (2) shall not apply to:

(i) The replacement of pipelines for maintenance or repair purposes, lines used to gather natural gas from well sites or distribution lines that deliver gas to end user consumers.

(ii) Natural gas transportation pipelines permitted or approved prior to the effective date of this section.

Amend Bill, page 1, line 16, by striking out "this act takes effect" and inserting

the effective date of this section

Amend Bill, page 2, line 3, by striking out "have a duty to"

Amend Bill, page 2, line 5, by inserting after "lands"

and the construction and use of natural gas transportation pipelines

Amend Bill, page 2, by inserting between lines 17 and 18

(c) Department of Environmental Protection.—The duties imposed on the Department of Conservation and Natural Resources by this act shall be conducted in conjunction with the Department of Environmental Protection.

Amend Bill, page 2, line 21, by inserting after "lands"

and the construction and use of natural gas transportation pipelines

Amend Bill, page 3, line 7, by inserting after "lands"

and the construction and use of natural gas transportation pipelines

Amend Bill, page 3, line 17, by striking out "20" and inserting

6

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, anticipating the kind of procedural attack that we just saw on the previous amendment, I went ahead and drafted this amendment that would merely do this, something we have complete control over, I believe, here in the Commonwealth. It would impose a moratorium on the State agency, the DEP, from issuing any permits related to natural gas pipeline expansion during the term of the moratorium.

So, Mr. Speaker, once again, the DEP involves itself in several areas when there are proposals that pipelines cross streams when dealing with county and local concerns of soil quality and water runoff and pollution and those types of things.

So, Mr. Speaker, as I said previously, why are we just going to address the water concerns and environmental concerns of some parts of the State with regards to Marcellus Shale impact

and not look at the concerns in other parts of the State that are impacted by the pipeline crossings and the expansions and the replacements in this area?

So, Mr. Speaker, I urge consideration of this amendment, which is much more narrowly drawn and will not impact what is under FERC's authority, the Federal government's authority. It just imposes a limitation on the Department of Environmental Protection, something that this legislature is qualified and has the jurisdiction to do. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I oppose the Schroder amendment. The Schroder amendment is going to hurt our economy. It is going to hurt the expansion of the natural gas industry in Pennsylvania, something important to Pennsylvania's economy. The Schroder amendment is going to cost us jobs. The Schroder amendment is going to hurt the environment because natural gas is a good thing because it has a lower CO2 emission.

This amendment will constrict the supply of natural gas by putting a moratorium on pipelines, and if that is what you really want, if that is what you really want, think about it. This will hurt the economy, hurt the environment, cost us jobs. Vote "no" on Schroder.

The SPEAKER. The House will come to order. The House will come to order.

On the amendment, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Mr. Speaker, I do not know the last time I heard such utter nonsense uttered on this House floor.

Mr. Speaker, if the gentleman would just veer for one moment from his PennFuture talking points and take a look at what the amendment actually does, the gentleman would see and realize that, as I said before, we have a network of existing pipelines throughout this Commonwealth, transmission pipelines, that would not be impacted by this amendment. The pipelines are not going to be shut down. They are not going to be closed. They are not going to be dug up and dragged out of the ground. They will continue to supply natural gas to the east coast markets. Any suggestion that this will somehow prevent or cost us jobs or all these other doom-and-gloom scenarios is just not supported by the facts.

So, Mr. Speaker, let us look at the facts. And I must admit, it is a bit puzzling to me that the maker of the amendment who is — or that the person opposing this amendment is usually a very strong advocate for water and water resources, and all I am saying is, let us expand protection across all parts of the State on this. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—17

Boback	Harper	Metzgar	Ross
Christiana	Hennessey	Milne	Schroder
Drucker	Houghton	Moul	Vereb
Gabig	Killion	Murt	Watson
Grove			

## NAYS—173

Adolph	Evans, D.	Lentz	Readshaw
Baker	Evans, J.	Levdansky	Reed
Barbin	Everett	Longietti	Reese
Barrar	Fabrizio	Maher	Reichley
Bear	Fairchild	Mahoney	Roae
Belfanti	Farry	Major	Rock
Benninghoff	Frankel	Manderino	Roebuck
Beyer	Freeman	Mann	Sabatina
Bishop	Gabler	Markosek	Sainato
Boyd	Galloway	Marshall	Samuelson
Boyle	Geist	Marsico	Santarsiero
Bradford	George	Matzie	Santoni
Brennan	Gerber	McGeehan	Scavello
Briggs	Gergely	McI. Smith	Seip
Brooks	Gibbons	Melio	Shapiro
Brown	Gillespie	Metcalfe	Siptroth
Burns	Gingrich	Micozzie	Smith, K.
Buxton	Godshall	Millard	Smith, M.
Caltagirone	Goodman	Miller	Smith, S.
Carroll	Grell	Mirabito	Solobay
Casorio	Grucela	Mundy	Sonney
Causar	Haluska	Murphy	Staback
Clymer	Hanna	Mustio	Stern
Cohen	Harhai	Myers	Stevenson
Conklin	Harhart	O'Brien, M.	Sturla
Costa, D.	Harkins	O'Neill	Swanger
Costa, P.	Harris	Oberlander	Tallman
Cox	Helm	Pallone	Taylor, J.
Creighton	Hess	Parker	Taylor, R.
Curry	Hickernell	Pashinski	True
Cutler	Hornaman	Payne	Turzai
Daley	Hutchinson	Payton	Vitali
Day	Johnson	Peifer	Vulakovich
Deasy	Josephs	Perry	Wagner
Delozier	Kauffman	Perzel	Waters
DeLuca	Keller, M.K.	Petrarca	Wheatley
Denlinger	Keller, W.	Petri	White
DePasquale	Kessler	Phillips	Williams
Dermody	Kirkland	Pickett	Youngblood
DeWeese	Knowles	Preston	Yudichak
DiGirolamo	Kortz	Pyle	
Donatucci	Kotik	Quigley	McCall,
Eachus	Krieger	Quinn	Speaker
Ellis	Kula	Rapp	

## NOT VOTING—0

## EXCUSED—9

Cruz	O'Brien, D.	Rohrer	Thomas
Fleck	Oliver	Saylor	Wansacz
Miccarelli			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. The remainder of the Schroder amendments has been withdrawn. The Chair thanks the gentleman.

It is the Chair's understanding that the gentleman, Representative Seip, is withdrawing his amendment? The Chair thanks the gentleman.

The gentleman, Representative Cohen, has three amendments. It is the Chair's understanding he is withdrawing the amendments? The Chair thanks the gentleman.

The gentleman, Representative Perry, is recognized.

Mr. PERRY. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. PERRY offered the following amendment No. **A06581**:

Amend Bill, page 1, line 4, by inserting after "contents"  
and for interfund transfer of lease proceeds

Amend Bill, page 3, by inserting between lines 16 and 17  
Section 6. Interfund transfer of lease revenue.

(a) General rule.—Notwithstanding any other provision of law to the contrary, 50% of the proceeds deposited into the Oil and Gas Lease Fund from any lease of State forest land for the purposes of natural gas exploration, drilling or production shall be transferred from the Oil and Gas Lease Fund to the Property Tax Relief Fund.

(b) Applicability.—This section shall apply to leases entered into after the effective date of this section.

Amend Bill, page 3, line 17, by striking out "20" and inserting  
7

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York County, Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

The purpose of this amendment would be to take 50 percent of any of the funds that come from the leasing of State forest land for purposes of drilling to the Property Tax Relief Fund. We have failed to provide meaningful property tax relief as promised by this administration. We keep on increasing gaming, but the property tax burden on citizens and businesses in this State continues to rise.

And if you, as I am, are tired of seeing our businesses, our citizens, and our neighbors, and even you in this room fill our State's coffers only to see that money frittered away on endless programs, I would ask you to support this amendment. We can ensure proper monitoring and enforcement of this vital industry whether you are for the moratorium or against it. If you are against it and you want to keep on drilling now, fine. If you are for the moratorium and you want to wait 3 years or 5 years or 100 years, fine. When the money finally starts coming in, the question is, what will we do with it? And we can ensure our promise to reduce property taxes meaningfully by ensuring that 50 percent of that goes to the Property Tax Relief Fund.

On behalf of all the citizens who are tired of paying to live in their homes, are tired of being serfs to the government, tired of renting or leasing their homes from the government, I ask for an affirmative vote for this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

## GERMANENESS QUESTIONED

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I salute the maker of the amendment for attempting to address a problem which needs to be addressed. Unfortunately,

that is not the problem we are dealing with today. That is not the subject matter of today's bill. This bill does not deal with the Property Tax Relief Fund. This bill does not even deal with the Oil and Gas Fund.

Therefore, I would move that the Perry amendment be ruled nongermane.

The SPEAKER. The gentleman from Delaware County, Representative Vitali, raises the point of order that amendment A06581 to HB 2235 is not germane.

The Speaker, under rule 27, is required to submit the question of germaneness of an amendment to the House of Representatives for decision.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, on that point of order, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

On the motion, if I may?

The SPEAKER. You are in order and may proceed.

Mr. CUTLER. Thank you.

Mr. Speaker, I would just like to bring something up for thought as we debate this motion regarding germaneness. Historically, we as the House have always had the ability to determine what is germane and not germane to a bill. Previously there was judicial deference to the processes we had here in this chamber and how legislation was arrived at. However, Mr. Speaker, after the pay raise case, the Supreme Court said that everything was able to be reviewed.

Mr. Speaker, this amendment is absolutely germane to the topic that we are currently debating today. It deals with the renting or the leasing of State game lands and the disposition of that money. Mr. Speaker, if we say that this is not germane, what we are saying will be used against us in future court cases to justify judicial activism for the results that they want. Mr. Speaker, it is very clear we are dealing with the leasing of State land. The money that is related to that is fair game for amendments and for redistribution under the Property Tax Relief Fund.

So I would urge the members to support the amendment, support that it is germane, because what we do here in this chamber, Mr. Speaker, does have consequences, and I do not want to abdicate our ability to determine what we can amend and how we process bills to be determined by the judiciary. So please support the gentleman from York County. Thank you.

The SPEAKER. On the point of order, the Chair recognizes the gentleman from York County, Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

The fiscal note that I hold in my hand regarding the amendment, as provided by the Appropriations Committee, says that "The Fiscal Year 2009/10 budget included a \$60 million transfer from the Oil and Gas Lease Fund to the General Fund." I would say, based on that, it is readily apparent to anyone that is viewing, listening, and has got a brain that this amendment is completely germane. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, or on the motion – on the point of order, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Mr. Speaker, I have no idea about the brainpower on this bill, but I have to say to you that this is clearly not germane. The gentleman is dealing with specific language that deals with issues that are not having anything to do with property taxes.

I am asking for positive support for the gentleman's motion on germaneness.

The SPEAKER. On the point of order, the Chair recognizes the gentleman from Montgomery County, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

The brain part woke me up.

I stand to support my gentleman from York and oppose the motion of germaneness. I think, perhaps, we are moving along on these amendments quite well, and this technical skulduggery that is going on just prevents, just prevents, Mr. Speaker, the opportunity to either support or oppose property tax relief in Pennsylvania.

Thanks, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the point of order, those who believe the amendment is germane will vote "aye"; those voting that the amendment is not germane will vote "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

(Members proceeded to vote.)

## LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the minority whip, Representative Turzai, who requests a leave of absence for the gentlelady from Montgomery County, Representative HARPER, for the remainder of the day. Without objection, the leave will be granted.

## CONSIDERATION OF HB 2235 CONTINUED

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

### YEAS—92

Adolph	Farry	Major	Quigley
Baker	Gabig	Marshall	Quinn
Barrar	Gabler	Marsico	Rapp
Bear	Geist	Metcalfe	Reed
Benninghoff	Gillespie	Metzgar	Reese
Beyer	Gingrich	Micozzie	Reichley
Boback	Godshall	Millard	Roae
Boyd	Grell	Miller	Rock
Brooks	Grove	Milne	Ross
Causer	Harhart	Moul	Scavello
Christiana	Harris	Murt	Schroder
Clymer	Helm	Mustio	Smith, S.
Cox	Hennessey	O'Neill	Sonney
Creighton	Hess	Oberlander	Stern
Cutler	Hickernell	Pallone	Stevenson
Day	Houghton	Payne	Swanger
Delozier	Hutchinson	Peifer	Tallman

Denlinger	Kauffman	Perry	Taylor, J.
DiGirolamo	Keller, M.K.	Perzel	True
Ellis	Killion	Petri	Turzai
Evans, J.	Knowles	Phillips	Vereb
Everett	Krieger	Pickett	Vulakovich
Fairchild	Maher	Pyle	Watson

## NAYS—97

Barbin	Drucker	Kula	Sainato
Belfanti	Eachus	Lentz	Samuelson
Bishop	Evans, D.	Levdansky	Santarsiero
Boyle	Fabrizio	Longietti	Santoni
Bradford	Frankel	Mahoney	Seip
Brennan	Freeman	Manderino	Shapiro
Briggs	Galloway	Mann	Siptroth
Brown	George	Markosek	Smith, K.
Burns	Gerber	Matzie	Smith, M.
Buxton	Gergely	McGeehan	Solobay
Caltagirone	Gibbons	McI. Smith	Staback
Carroll	Goodman	Melio	Sturla
Casorio	Grucela	Mirabito	Taylor, R.
Cohen	Haluska	Mundy	Vitali
Conklin	Hanna	Murphy	Wagner
Costa, D.	Harhai	Myers	Waters
Costa, P.	Harkins	O'Brien, M.	Wheatley
Curry	Hornaman	Parker	White
Daley	Johnson	Pashinski	Williams
Deasy	Josephs	Payton	Youngblood
DeLuca	Keller, W.	Petrarca	Yudichak
DePasquale	Kessler	Preston	
Dermody	Kirkland	Readshaw	McCall,
DeWeese	Kortz	Roebuck	Speaker
Donatucci	Kotik	Sabatina	

## NOT VOTING—0

## EXCUSED—10

Cruz	Miccarelli	Rohrer	Thomas
Fleck	O'Brien, D.	Saylor	Wansacz
Harper	Oliver		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. Is the gentleman from Allegheny County, Representative Levdansky, withdrawing all his amendments? The Chair thanks the gentleman.

There are a number of late-filed amendments that would require a suspension of the rules, three by the gentleman, Representative Everett. Is the gentleman withdrawing? The Chair thanks the gentleman.

A late-filed amendment by the gentleman from York County, Representative Perry – is he withdrawing that amendment? The amendment will be declared out of order. The amendment, 06708, was drawn to the Levdansky amendment; therefore, the amendment is not being offered. The amendment would be out of order.

No other amendments filed to the bill?

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2246, PN 3657**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for permissible argument as to amount of damages; further providing for duty of driver in emergency response areas, for careless driving, for snow and ice dislodged or falling from moving vehicle and for sentencing for homicide by vehicle; providing for the offense of aggravated assault by vehicle; further providing for aggravated assault by vehicle while driving under the influence, for accident involving death or personal injury while not properly licensed and for accident scene clearance; and imposing penalties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

On the question of final passage, the Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

The bill as it was amended last week moved so quickly through the House that I did not have a full opportunity to bring concerns to the attention of my fellow members. And I certainly want to tip my cap to the leadership on the other side of the aisle for attaching the Santarsiero amendment to an otherwise very agreeable piece of legislation offered by the gentleman from, I believe, Adams and York, Mr. Tallman.

But I think it is important for the members to understand the full extent of the bill as it had been amended last week. The amendment that was offered by the gentleman from Bucks, which will now allow plaintiffs' attorneys to argue a monetary amount for damages for noneconomic matters, really needs to be placed in its full context. For one thing, how many of us were approached by individuals who had been plaintiffs in auto injury cases who said, "You know what? I did not get enough on the noneconomic damage side. I really wish my lawyer had been able to argue for a higher amount so I could have received more in damages."

Mr. Speaker, may I have a little bit of order, please?

The SPEAKER. The House will come to order.

The members will please take their seats.

Mr. REICHLEY. Thank you, Mr. Speaker.

How many of us were approached by members of the bar who said, "You know what? My client really got deprived of

their true value for the injuries they sustained in this case because I was not able to argue a definite sum for noneconomic damages."

In reality, the Santarsiero amendment was a solution looking for a problem. This is a development which is, to quote the gentleman from Montgomery, a matter of "skulduggery." We have a situation where something is going to get forced through before a Governor who, obviously, will most likely sign this legislation with this amendment in place.

It is a terrible development for not only those who have auto insurance policies, for instance. This was advertised to us as affecting just auto insurance cases, but if you read the language of the amendment, that there will be a "PERMISSIBLE ARGUMENT..." to be made for damages "...IN ANY ACTION...ARISING OUT OF THE MAINTENANCE OR USE OF A MOTOR VEHICLE...." Now, Mr. Speaker, that can be a simple situation of an auto accident; that is true. But this language is so ambiguous that it will allow for the plaintiff's attorney who then goes to the hospital and suffers death because of the injuries suffered in that auto accident. So now you will have a wrongful death action in which the plaintiff's counsel can argue for specific sums for noneconomic damages – for pain and suffering, for the loss of consortium, for loss of companionship – the very factors which we have discussed so much in this chamber and in this General Assembly for years and years about how to lower doctor's malpractice premiums.

So this amendment, as it has been adopted, is not just a matter which is going to affect every one of our constituents who pay auto insurance policies. So you can give a little thank-you note to all your constituents who are now going to be getting notes when their premiums are due, now that their premiums are going to be going up, because this amendment was adopted in such a wholesale fashion that it will increase premiums on auto insurance policies, but it will also affect all of you who profess to be so concerned about the flight of doctors from Pennsylvania, because malpractice premiums will now go up. Every hospital, every physician, every nurse is now going to be facing higher malpractice premiums because this language will allow plaintiffs in cases where an auto was even tangentially involved that result in damages later on involving a civil lawsuit.

So I would urge my colleagues: You can still do the right thing by voting against this bill. It is regrettable that it had to be attached to this piece of legislation, but I would urge the members, particularly in the Philadelphia suburban area where auto insurance rates are already very high, the malpractice premium rates are already very high, really look to what the interests of your constituents are. Are you on the side of the trial lawyers or on the side of the doctors and the average individual who is out there trying to make do with less money in their pocket now? We have seen a lot going on for doctors being hit now with lower Medicare reimbursement from the Federal government. Now you are going to slap a higher medical malpractice insurance rate on top of them. What your true interests are—

And by the way, what is the Committee for a Better Tomorrow? Some people may want to inquire why that organization was so interested in this legislation and the members supporting it.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

Does the gentleman, Representative Turzai, wish to be recognized?

The Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker.

As everyone here knows, the original bill was intended to increase the vehicular homicide penalty when the victim is an emergency service responder. That is a laudable bill, and how the amendment to be able to argue damages in the end was able to be attached to that particular bill is certainly beyond many of us.

But the issue of the argument of damages is very serious. It is actually a significant tort expansion proposal. Yes, it is being limited to a certain type of case, but the fact of the matter is, given a particular special interest whose agenda is being pushed by the amendment that was included in this particular bill, the goal is to expand such that the argument of damages can in fact apply to other cases. That will result in higher awards, particularly in the auto arena.

Under Governor Casey, auto cases, what I would call law suit abuse reform measures, were passed under Governor Casey, a Democrat, and many of those amendments were designed to curb runaway damages. By allowing the argument of damages in this particular arena, we are actually expanding the opportunity to create havoc and to create higher awards. That is a mistake.

Anybody who wants reasonable lawsuits and wants to in fact curb lawsuit abuse should be opposed to this expansion. It is pushing the agenda of a single special interest over the citizens of Pennsylvania, and that is a mistake. I would urge everybody to vote "no."

The SPEAKER. The question is, shall the bill pass finally? The Chair recognizes the gentleman from Adams County, Representative Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

We had here present today the family of Sergeant Weigand, whom I named this bill after, and after doing some research on that particular incident, at the advice of Kim Weigand, I realized that emergency responders are not protected in the performance of their official duties and on the enhanced penalties idea. So I wrote this bill to correct that deficiency, make it similar to what happens in a construction area, the same type of penalties.

It is unfortunate that the bill was amended this past Wednesday, and it really destroyed the intent of the bill, but I am going to be voting in favor of the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

#### YEAS—117

Barbin	Fabrizio	Longietti	Sabatina
Belfanti	Farry	Mahoney	Sainato
Bishop	Frankel	Manderino	Samuelson
Boyle	Freeman	Mann	Santarsiero

Bradford	Galloway	Markosek	Santoni
Brennan	George	Marshall	Scavello
Briggs	Gerber	Matzie	Seip
Brown	Gergely	McGeehan	Shapiro
Burns	Gibbons	McI. Smith	Siptroth
Buxton	Goodman	Melio	Smith, K.
Caltagirone	Grove	Metzgar	Smith, M.
Carroll	Grucela	Micozzie	Solobay
Casorio	Haluska	Mirabito	Staback
Cohen	Hanna	Moul	Sturla
Conklin	Harhai	Mundy	Tallman
Costa, D.	Harkins	Murphy	Taylor, J.
Costa, P.	Harris	Murt	Taylor, R.
Curry	Hennessey	Myers	Vitali
Daley	Hornaman	O'Brien, M.	Vulakovich
Deasy	Houghton	Pallone	Wagner
DeLuca	Johnson	Parker	Waters
DePasquale	Josephs	Pashinski	Wheatley
Dermody	Keller, W.	Payton	White
DeWeese	Kessler	Peifer	Williams
DiGirolamo	Kirkland	Perzel	Youngblood
Donatucci	Kortz	Petrarca	Yudichak
Drucker	Kotik	Preston	
Eachus	Kula	Readshaw	McCall,
Evans, D.	Lentz	Rock	Speaker
Evans, J.	Levdansky	Roebuck	

## NAYS—72

Adolph	Ellis	Knowles	Quigley
Baker	Everett	Krieger	Quinn
Barrar	Fairchild	Maher	Rapp
Bear	Gabig	Major	Reed
Benninghoff	Gabler	Marsico	Reese
Beyer	Geist	Metcalfe	Reichley
Boback	Gillespie	Millard	Roae
Boyd	Gingrich	Miller	Ross
Brooks	Godshall	Milne	Schroder
Causar	Grell	Mustio	Smith, S.
Christiana	Harhart	O'Neill	Sonney
Clymer	Helm	Oberlander	Stern
Cox	Hess	Payne	Stevenson
Creighton	Hickernell	Perry	Swanger
Cutler	Hutchinson	Petri	True
Day	Kauffman	Phillips	Turzai
Delozier	Keller, M.K.	Pickett	Vereb
Denlinger	Killion	Pyle	Watson

## NOT VOTING—0

## EXCUSED—10

Cruz	Miccarelli	Rohrer	Thomas
Fleck	O'Brien, D.	Saylor	Wansacz
Harper	Oliver		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

## SUPPLEMENTAL CALENDAR B CONTINUED

## BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 916, PN 1102**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for required financial reporting; and making editorial changes.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. On that question, it is the Chair's understanding that the gentlelady from Lebanon County, Representative Swanger, is withdrawing her amendment? The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 828, PN 1898**, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, further providing for definitions; and providing for applicability.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler, who offers amendment—

Mr. CUTLER. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Cutler.

Mr. CUTLER. May we be at ease just for one moment, please?

The SPEAKER. The House will be at ease.

The House will come to order.

The gentleman, Mr. Cutler, is recognized.

Mr. CUTLER. Thank you, Mr. Speaker.

I had a local sportsmen's group bring this matter to my attention that oftentimes some of the older sportsmen's groups actually are not made as nonprofits, that some of them are actually—

The SPEAKER. Will the gentleman, Mr. Cutler, yield. I have to put the amendment before the House, the question before the House.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **CUTLER** offered the following amendment No. **A06630**:

Amend Bill, page 4, line 3, by inserting after "civic,"  
sportsmen.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. My apologies, Mr. Speaker. Thank you.

I had a local sportsmen's group bring this to my attention that not all sportsmen's groups are actually modeled in the nonprofit status, so they asked if I would proffer an amendment that would include other sportsmen's groups that are incorporated in other manners, and I would simply appreciate the members' support on this amendment. Thank you.

The SPEAKER. Will the House adopt the amendment? On that question, the Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

We can agree to that amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—189

Adolph	Evans, J.	Lentz	Readshaw
Baker	Everett	Levdansky	Reed
Barbin	Fabrizio	Longietti	Reese
Barrar	Fairchild	Maher	Reichley
Bear	Farry	Mahoney	Roae
Belfanti	Frankel	Major	Rock
Benninghoff	Freeman	Manderino	Roebuck
Beyer	Gabig	Mann	Ross
Bishop	Gabler	Markosek	Sabatina
Boback	Galloway	Marshall	Sainato
Boyd	Geist	Marsico	Samuelson
Boyle	George	Matzie	Santarsiero
Bradford	Gerber	McGeehan	Santoni
Brennan	Gergely	McI. Smith	Scavello
Briggs	Gibbons	Melio	Schroder
Brooks	Gillespie	Metcalfe	Seip
Brown	Gingrich	Metzgar	Shapiro
Burns	Godshall	Micozzie	Siptroth
Buxton	Goodman	Millard	Smith, K.
Caltagirone	Grell	Miller	Smith, M.
Carroll	Grove	Milne	Smith, S.
Casorio	Gruclera	Mirabito	Solobay
Causar	Haluska	Moul	Sonney
Christiana	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harris	Myers	Swanger
Costa, P.	Helm	O'Brien, M.	Tallman
Cox	Hennessey	O'Neill	Taylor, J.
Creighton	Hess	Oberlander	Taylor, R.
Curry	Hickernell	Pallone	True
Cutler	Hornaman	Parker	Turzai
Daley	Houghton	Pashinski	Vereb
Day	Hutchinson	Payne	Vitali
Deasy	Johnson	Payton	Vulakovich
DeLozier	Josephs	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Keller, M.K.	Perzel	Watson
DePasquale	Keller, W.	Petrarca	Wheatley
Dermody	Kessler	Petri	White
DeWeese	Killion	Phillips	Williams
DiGirolamo	Kirkland	Pickett	Youngblood
Donatucci	Knowles	Preston	Yudichak
Drucker	Kortz	Pyle	
Eachus	Kotik	Quigley	McCall,
Ellis	Krieger	Quinn	Speaker
Evans, D.	Kula	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—10

Cruz	Miccarelli	Rohrer	Thomas
Fleck	O'Brien, D.	Saylor	Wansacz
Harper	Oliver		

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. On that question, the Chair recognizes the gentelady from Mercer County— The gentelady is withdrawing the amendment? The Chair thanks the gentelady.

On the question, the gentleman from Lehigh County, Representative Reichley, is he offering the amendment? The gentleman is withdrawing the amendment? The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

### CALENDAR CONTINUED

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. D. COSTA called up **HR 731, PN 3503**, entitled:

A Resolution designating the week of May 9 through 15, 2010, as "National Police Week" in Pennsylvania to honor the memory of the hundreds of police officers who gave their lives in the line of duty in this Commonwealth.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—189

Adolph	Evans, J.	Lentz	Readshaw
Baker	Everett	Levdansky	Reed
Barbin	Fabrizio	Longietti	Reese
Barrar	Fairchild	Maher	Reichley
Bear	Farry	Mahoney	Roae
Belfanti	Frankel	Major	Rock
Benninghoff	Freeman	Manderino	Roebuck
Beyer	Gabig	Mann	Ross
Bishop	Gabler	Markosek	Sabatina
Boback	Galloway	Marshall	Sainato
Boyd	Geist	Marsico	Samuelson
Boyle	George	Matzie	Santarsiero
Bradford	Gerber	McGeehan	Santoni
Brennan	Gergely	McI. Smith	Scavello

Briggs	Gibbons	Melio	Schroder
Brooks	Gillespie	Metcalfe	Seip
Brown	Gingrich	Metzgar	Shapiro
Burns	Godshall	Micozzie	Siptroth
Buxton	Goodman	Millard	Smith, K.
Caltagirone	Grell	Miller	Smith, M.
Carroll	Grove	Milne	Smith, S.
Casorio	Grucela	Mirabito	Solobay
Causar	Haluska	Moul	Sonney
Christiana	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harris	Myers	Swanger
Costa, P.	Helm	O'Brien, M.	Tallman
Cox	Hennessey	O'Neill	Taylor, J.
Creighton	Hess	Oberlander	Taylor, R.
Curry	Hickernell	Pallone	True
Cutler	Hornaman	Parker	Turzai
Daley	Houghton	Pashinski	Vereb
Day	Hutchinson	Payne	Vitali
Deasy	Johnson	Payton	Vulakovich
Delozier	Josephs	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Keller, M.K.	Perzel	Watson
DePasquale	Keller, W.	Petrarca	Wheatley
Dermody	Kessler	Petri	White
DeWeese	Killion	Phillips	Williams
DiGirolamo	Kirkland	Pickett	Youngblood
Donatucci	Knowles	Preston	Yudichak
Drucker	Kortz	Pyle	
Eachus	Kotik	Quigley	McCall,
Ellis	Krieger	Quinn	Speaker
Evans, D.	Kula	Rapp	

## NAYS—0

## NOT VOTING—0

## EXCUSED—10

Cruz	Miccarelli	Rohrer	Thomas
Fleck	O'Brien, D.	Saylor	Wansacz
Harper	Oliver		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Mr. HENNESSEY called up **HR 760, PN 3597**, entitled:

A Resolution recognizing the month of May 2010 as "Older Pennsylvanians Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—189

Adolph	Evans, J.	Lentz	Readshaw
Baker	Everett	Levdansky	Reed
Barbin	Fabrizio	Longietti	Reese
Barrar	Fairchild	Maher	Reichley
Bear	Farry	Mahoney	Roae
Belfanti	Frankel	Major	Rock

Benninghoff	Freeman	Manderino	Roebuck
Beyer	Gabig	Mann	Ross
Bishop	Gabler	Markosek	Sabatina
Boback	Galloway	Marshall	Sainato
Boyd	Geist	Marsico	Samuelson
Boyle	George	Matzie	Santarsiero
Bradford	Gerber	McGeehan	Santoni
Brennan	Gergely	McI. Smith	Scavella
Briggs	Gibbons	Melio	Schroder
Brooks	Gillespie	Metcalfe	Seip
Brown	Gingrich	Metzgar	Shapiro
Burns	Godshall	Micozzie	Siptroth
Buxton	Goodman	Millard	Smith, K.
Caltagirone	Grell	Miller	Smith, M.
Carroll	Grove	Milne	Smith, S.
Casorio	Grucela	Mirabito	Solobay
Causar	Haluska	Moul	Sonney
Christiana	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harris	Myers	Swanger
Costa, P.	Helm	O'Brien, M.	Tallman
Cox	Hennessey	O'Neill	Taylor, J.
Creighton	Hess	Oberlander	Taylor, R.
Curry	Hickernell	Pallone	True
Cutler	Hornaman	Parker	Turzai
Daley	Houghton	Pashinski	Vereb
Day	Hutchinson	Payne	Vitali
Deasy	Johnson	Payton	Vulakovich
Delozier	Josephs	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Keller, M.K.	Perzel	Watson
DePasquale	Keller, W.	Petrarca	Wheatley
Dermody	Kessler	Petri	White
DeWeese	Killion	Phillips	Williams
DiGirolamo	Kirkland	Pickett	Youngblood
Donatucci	Knowles	Preston	Yudichak
Drucker	Kortz	Pyle	
Eachus	Kotik	Quigley	McCall,
Ellis	Krieger	Quinn	Speaker
Evans, D.	Kula	Rapp	

## NAYS—0

## NOT VOTING—0

## EXCUSED—10

Cruz	Miccarelli	Rohrer	Thomas
Fleck	O'Brien, D.	Saylor	Wansacz
Harper	Oliver		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

## SUPPLEMENTAL CALENDAR A

## RESOLUTION PURSUANT TO RULE 35

Mr. MUSTIO called up **HR 787, PN 3662**, entitled:

A Resolution honoring the men and women of the 171st Air Refueling Wing who, for more than 50 years, have served and are serving our nation and Commonwealth with valor and bravery.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—189

Adolph	Evans, J.	Lentz	Readshaw
Baker	Everett	Levdansky	Reed
Barbin	Fabrizio	Longietti	Reese
Barrar	Fairchild	Maher	Reichley
Bear	Farry	Mahoney	Roae
Belfanti	Frankel	Major	Rock
Benninghoff	Freeman	Manderino	Roebuck
Beyer	Gabig	Mann	Ross
Bishop	Gabler	Markosek	Sabatina
Boback	Galloway	Marshall	Sainato
Boyd	Geist	Marsico	Samuelson
Boyle	George	Matzie	Santarsiero
Bradford	Gerber	McGeehan	Santoni
Brennan	Gergely	McI. Smith	Scavello
Briggs	Gibbons	Melio	Schroder
Brooks	Gillespie	Metcalfe	Seip
Brown	Gingrich	Metzgar	Shapiro
Burns	Godshall	Micozzie	Siptroth
Buxton	Goodman	Millard	Smith, K.
Caltagirone	Grell	Miller	Smith, M.
Carroll	Grove	Milne	Smith, S.
Casorio	Grucela	Mirabito	Solobay
Causser	Haluska	Moul	Sonney
Christiana	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harris	Myers	Swanger
Costa, P.	Helm	O'Brien, M.	Tallman
Cox	Hennessey	O'Neill	Taylor, J.
Creighton	Hess	Oberlander	Taylor, R.
Curry	Hickernell	Pallone	True
Cutler	Hornaman	Parker	Turzai
Daley	Houghton	Pashinski	Vereb
Day	Hutchinson	Payne	Vitali
Deasy	Johnson	Payton	Vulakovich
Delozier	Josephs	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Keller, M.K.	Perzel	Watson
DePasquale	Keller, W.	Petrarca	Wheatley
Dermody	Kessler	Petri	White
DeWeese	Killion	Phillips	Williams
DiGirolamo	Kirkland	Pickett	Youngblood
Donatucci	Knowles	Preston	Yudichak
Drucker	Kortz	Pyle	
Eachus	Kotik	Quigley	McCall,
Ellis	Krieger	Quinn	Speaker
Evans, D.	Kula	Rapp	

## NAYS—0

## NOT VOTING—0

## EXCUSED—10

Cruz	Miccarelli	Rohrer	Thomas
Fleck	O'Brien, D.	Saylor	Wansacz
Harper	Oliver		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

## RECESS

The SPEAKER. For the information of the members, the Speaker is about to put the regular session of this General Assembly into temporary recess. I am now going to convene the special session at 7:09 p.m. on Monday, May 3, 2010.

## AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER. We have further votes to take on the House floor.

The House will now return to regular session.

HOUSE RESOLUTION  
INTRODUCED AND REFERRED

**No. 797** By Representatives SANTARSIERO, SIPTROTH, O'NEILL, GALLOWAY, FREEMAN, GRUCELA, QUINN, BARRAR, BOYLE, BRENNAN, BRIGGS, CALTAGIRONE, CARROLL, DALEY, FARRY, FRANKEL, GOODMAN, HORNAMAN, HOUGHTON, JOSEPHS, KORTZ, KULA, MAHONEY, MANDERINO, MANN, MARKOSEK, MCGEEHAN, MILLARD, MILLER, MIRABITO, MUNDY, MURT, REICHLEY, ROEBUCK, SABATINA, SEIP, WANSACZ and WATSON

A Concurrent Resolution urging the New Jersey Senate and General Assembly to exempt current employees from proposed legislation requiring New Jersey State employees to reside in New Jersey.

Referred to Committee on STATE GOVERNMENT, May 3, 2010.

The SPEAKER. There will be no more votes taken. There are some housekeeping matters that the House has to take care of.

## VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher, to correct the record.

Mr. MAHER. Thank you, Mr. Speaker.

HB 2246, PN 3629, amendment 6570; I believed I had voted negatively but the roll call is showing it affirmatively, so I would ask that the record be corrected.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

## BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar:

HB 2415;  
HB 2424;  
HB 2428;  
SB 1157; and  
SB 1180.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 2415;  
HB 2424;  
HB 2428;  
SB 1157; and  
SB 1180.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### CORRECTION OF THE RECORD

The SPEAKER. As a correction of the record for HB 221, May 3, 2010, the report of the Consumer Affairs Committee read earlier today mistakenly reported that HB 221, PN 226, was reported from the committee as amended. That report was in error. HB 221 was not reported from committee.

The Chair directs that the record be corrected to this effect.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 1456, PN 3700** (Amended) By Rep. JOSEPHS

An Act establishing the Pennsylvania Youth Commission; providing for powers and duties, for report to the General Assembly and for Pennsylvania Youth Commission Scholarship; and making an appropriation.

STATE GOVERNMENT.

**HB 2195, PN 3701** (Amended) By Rep. JOSEPHS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities, for definitions and for cooperative purchasing.

STATE GOVERNMENT.

**HB 2231, PN 3156** By Rep. JOSEPHS

An Act authorizing the sale and transfer of title for Project 70 lands owned by Erie County to Harborcreek Township, Erie County.

STATE GOVERNMENT.

**HB 2342, PN 3702** (Amended) By Rep. JOSEPHS

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease submerged lands in excess of 25 acres within Erie County, for the assessment, development, construction and operation of utility scale offshore wind, solar or kinetic energy generation facilities.

STATE GOVERNMENT.

**HB 2456, PN 3703** (Amended) By Rep. JOSEPHS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for district election boards and for the filing of nomination petitions.

STATE GOVERNMENT.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Franklin, Representative Rock, rise?

Mr. ROCK. Mr. Speaker, I would like to correct the record.

The SPEAKER. The gentleman is in order and may proceed.

Mr. ROCK. On HB 2246, I was voted in the affirmative, and I would like to be recorded in the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

### SENATE MESSAGE

#### RECESS RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,  
May 3, 2010

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, May 24, 2010, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, May 24, 2010, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**ANNOUNCEMENT BY MR. COHEN**

The SPEAKER. For what purpose does the gentleman from Philadelphia, Representative Cohen, rise?

Mr. COHEN. Mr. Speaker, I would like to make the announcement that the session begins at 11 a.m. tomorrow, and at 1 p.m. the Governor will address us on the business of the special session.

The SPEAKER. The Chair thanks the gentleman.

**BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**SB 81, PN 1862**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining for the definition of "eligible entity" and adding definitions; further providing for general powers of the board, for wine marketing and for Sunday retail sales by Pennsylvania Liquor Stores; and, in licenses and regulations relating to liquor, alcohol and malt and brewed beverages, further providing for interlocking businesses prohibited, for number and kinds of licenses allowed same licensee, for unlawful acts relative to liquor, malt and brewed beverages and licenses issued and for limited wineries.

**SB 960, PN 1164**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State Veterans' Commission.

Whereupon, the Speaker, in the presence of the House, signed the same.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER. The Speaker has in his possession a motion to adjourn filed by the gentleman from Allegheny County, Representative Dom Costa, who moves that this House do now adjourn until Tuesday, May 4, 2010, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:23 p.m., e.d.t., the House adjourned.